SVR-
VEY-
INGE.

AN. M. D. XXXIX.

¶ To the reder.

¶ whan I had prynted the boke longyng to a Justice of the peace, togither with other small bokes very necessary, I bethought me vpon this boke of Surueyenge, compyled somtyme by master Fitz herbarde, how good and howe profytable it is for all states, that de lordes and possessioners of landes, and for the holders or tenauntes of the same landes, to haue dayly in hande, to knowe, and beare awaye the contentes of the same boke, & also how well it agreeth with the argumēt of the other small bokes, as court baron, court hundred, and chartuary, I went in hande & prynted it in the same volume that the other be, to bynde them al togither.

And haue amended it in many places.

BRITISH MUSEUM

¶ The table of this boke.

Fyrst the prologue of the authour, for the declaracion of this present treatyse. fo. 1

¶ Of castels and other buyldynges, what the walles, the tymbre, the stone, the led, the sclate the tyle, or other of couerynges is worthe by the yere, aswell within the walles as without. And also of gardens, curtylages, douehouses, and all other profytes be worthe by the yere. Cap. i. fo. 4

¶ How many feldes are of the demayns, & how many acres are in euery feld, & what an acre is worth by the yere. Cap. ii. fo. 5

¶ How many acres of medow are of the demayns, and how moche euery acre is worth, and to what maner of catell it is most necessary vnto, and how many beastes it wil fynd, and what the pasture of a beast is worthe by the yere. Cap. iii. fol. 6.

¶ Of forrayne pastures that be cõmen, how many and of what maner of catell the lorde maye haue in the same, and what the pasture of a beast is worth by the yere. Cap. iiii. fo. 7

¶ Of parkes & demeyne woodes, the which the lordes maye asserte and to do his profyt, and how many acres they contayne, & what the vesture of an acre is worth, and what the grounde is worthe whan the vesture is falle. Cap. v. fo. 8

¶ Of forren woodes where other men haue commen, whether the Lorde maye improue him selfe therof, and of how many acres, and what the vesture of an acre is worth, & what the grounde is worth whan the wood is fallen, and how many acres they contayne, and what an acre is worthe by the yere. Cap. vi. fol. eodem.

¶ Of foure maner of commons. fo. 9

¶ whether the lorde maye gyue or sell the residue of his forreyn woodes, and what such gyft or sale is worth. Cap. vii. fo. 10.

¶ Of panage and herbage of the towne, & of all other profytes of pooles, meyres, and rynnynge waters: of moores, heythes, and wastes, what they be worth by the yere. Ca. viii. f. 11

¶ Of mylnes, seuerall fyschynges, and commen fyschynges, what they be worth by the yere. Cap. ix. fo. 13

¶ Of fre tenauntes, the which dwell without as well as within. Cap. x. f. 14

¶ who be free tenauntes, and what landes and tenementes and by what fees they holde and by what seruice, whether by soccage or by knyght seruice or other maner, and what rent of Assise they gyue by the yere, and who holdeth by chartoure, and who by Auncient demeyne, and who by newe feoffement. Ca. xi. f. 15

¶ Of surreydres of landes holden by the yarde. fo. 18

¶ How the steward shal delyuer season. f. eo.

¶ The

¶ The maner of the tenauntes othe. fo. eod.
¶ How the copy ſhoulde be made of landes holden by the yarde. fo. 19.
¶ An other forme for certayne rent. f. eodem
¶ A recognition of a tenaunt fo. eodem
¶ A forme of a coppe en auncien demeyne, where proclamations ſhulde be made. fo. 20.
¶ The forme of a copy en auncien demeyne, where the wyfe ſhalbe examined. fo. eodem
¶ Another for terme of lyfe. fo. 21.
¶ Another forme vpon condicion f. eod.
¶ A maner of ſurrendre made to the bayllye out of the court. fo. eodem
¶ where the lorde graunteth a copy of his ſpeciall graunte. fol. eodem
¶ An other maner for terme of yeres where the lorde ſhall kepe reparation. fol. 22.
¶ An other maner, where a man pretendeth a title, and after releſeth in the court. fo. eod.
¶ A forme where the heyre is admitted to his lande after the death of his father. f. eod.
¶ Another forme of landes taylled with a remaynder ouer. fo. eodem
¶ An other maner for terme of lyfe with a remaynder ouer. fol. 23
¶ A ſurrendre oute of the courte, and a remaynder with a condicion. fol. eodē.
¶ A ſupplication to be exempt frome all inqueſtis and iuries within the lordeſhyp. f. 24.
¶ The othes of all maner of officers generally. f. 25
¶ The othe of a Denyſen. f. eod.
¶ The othe of a ſeruaunt. f. eodem

¶ Of those free tenauntes that sewe in the court of the countie, and who seweth not, & and how moche falleth to the lorde after the decesse of suche tenauntes. Cap. xii. fol. 26

¶ How many customary tenantes there be, and how moche euery of them holdeth, and what worckes and customes they do, & what the werkes and the customes of euery tenaũt is worthe by the yere, and howe moche rent euery of them payeth, ouer the customes and werkes, and of bondmen. Cap. xiii. fo. 30.

¶ Of cotyers, what cotages and curtilages they holde, and by what seruice, & how moche rent they paye by the yere. Cap. xiiii. f. 32

¶ Of perquesytes or prokytes of counties, of courtes, & of forestes, what they be worth. Cap. xv. fol. eodem

¶ Of churches that belonge to the gyfte of the lord, how many there be, and where they be, and what euery churche is worthe. Cap. xvi. fo. 33.

¶ what the herryottes be worth, the leyres, exchetes, customes, seruices, and forreyne warkes: The plees and perquesytes of the courtes, fynes, releses, and all other thinges that may fall to the Lorde by the yere. Capi. xvii. fo. 34.

¶ Explicit capitula statuti.

Of dyuers maners of takynge and doyng of homage and fealtie. Cap. xviii. fol. 36

¶ what

¶ what a surueyour shoulde do. Capit. xix. fo. 38
¶ How a man shoulde viewe, but, & bounde the maner and the townechippes. Capit. xx. fol. 40
¶ How to butte and bounde the feldes. Ca. xxi. fo. 45
¶ How to but and bounde the medowes. Cap. xxii. fo. 44.
¶ How to but and bounde pastures. Capi. xxiii. fo. 46
¶ How to amende errable lande. Capi. xxiiii. fol. 47
¶ Howe a man shall mende his medowes. Cap. xxv. f. 48
¶ How to amende and make better dyuers maner of pastures, and first of low grounde lyke medowe grounde. Cap. xxvi. fol. 48 and 49.
¶ Howe to amende ley grounde that hathe bene errable lande of late. Cap. xxvii. fo. 49
¶ How to amende bushy grounde and mossy, that hath bene errable of olde tyme. Cap. xxviii fol. 50.
¶ How to amende bushy ground that was neuer errable ande Cap. xxix. fo. eod.
¶ How to amende woode grounde, that lyeth in seuerall pasture. Cap. xxx. fo. 51.
¶ Howe to amende gorsye grounde, that hath bene errable lande. Cap. xxxi. fo. eodem
¶ How to amende gorsy grounde that was neuer errable lande. Cap. xxxii. fo. 52
¶ Howe to amende hyrne grounde. Capit.

xxxiii. fo.eod.
¶ Howe to amende heyth grounde. Capit. xxxiiii. fo. eod.
¶ How to amēd marrys grouūd. C.xxxv.f.53
¶ How to amende bzome grounde and fern. Cap.xxxvi. fo.54
¶ Of chylturne grounde, flynty grounde, & chalke grounde. Cap.xxxvii. fo.eodē.
¶ Of lymestone ground. Cap.xxxviii.f.eod.
¶ what pzofytes may come oz growe to the lozde by reason of his waters. C.xxxix.f.eod.
¶ Of dyuers maners of mynes. C.xl.f.55.
¶ How to make a townshyp that is wozthe. xx. marke a yere, wozth.xx.li, Cap.xli. fo.57

The authoue.

Go thou lytell queare, with due reuerence
And with an humble hert, recommend me
To all those, that of theyr benecuolence
This lytell treatyse, doth rede, heare, oz se
wherwith I pzaye them, contented to be
And to amende it, in places behouable
where as I haue fauted, oz be culpable.

Foz herde it is, a man to attayne
To make a thinge perfyte, at the first sight
But whan it is red, and well ouer seyne
Fautes maye be founde, that neuer came to lyght.
Though the maker do his diligence & might
Pzayeng them to take it, as I haue entēded
And to forgyue me, yf that I haue offended.

Finis.

¶ The pzologue of the authour, foz the declaracion of this pzesent treatyse.

Alomon sapiētie pzimo. Omnis sapientia, virtus, honoz, dignitas, & quecq; scientia, a domino deo sunt. This is to say: all wysdome, vertu, honour, dignitie, and connynge, are of oure lozde God. Than, syth almighty God, our redemer and creatour, by highe wysdome, goodnes, liberalitie, & pzouidēce in this transitozye wozlde and miserable lyfe: hath ozdeyned dyuers estates and degrees in his people and creatures, and some of them as wel hath endowed with ghostly and heuēly wysdome, and distinct graces, as with gret honour, possessions, and ryches, with great gyftes and graces, as well spirituall as temporall. His hygh commaundement chargeth euery person, that is partaker of the sayd giftes oz graces, charitably and discretely, the same to distribute and deuyde among his poze creatures. That euery pooze person, that is willinge to laboure duely foz his lyuing, may haue therby conuenient helpe and sustynāce. And in as moche, as the great estates, rulers, and gouernours of this realme, whome oure sauiour hathe so largely and bounteously rewarded

rewarded, with all suche gyftes, possessions, and ryches, haue accordyng to his pleasure and commandement, demysed, dystributed, and graunted to the creatures of god, and to their fermours and tenauntes, theyr seuerall possessions and inherytaunces, reseruing to theym for the same certayne rentes, customes, and seruyces, to susteyne and vpholde theyr honours and estates, as to them appertayneth, accordynge to their high giftes and graces, wherewith they be so largely endowed. And for the great zeale, loue, and comforte that I beare to the sayde fermours and tenantes, and to all other goddis creatures, that they maye more surely, easily, and profytably encreace and susteyn their poore housholde, wyues, and chyldren, and also truely to paye their rentes, customes, and seruices vnto theyr lordes, and the honoures of theyr fermes and tenauntrice:

Of late by experiẽce I contriued, compyled, and made a treatyse for the same poore fermers and tenauntes, and callyd it the booke of Husbandrye: the whiche me semed was very necessary for husbande menne, that vse tyllage, and for manye other of dyuers degrees and occupations. And where, as in the prologue of the sayde boke, I demaunded and asked a question, and that was this: whervnto is euery man ordeyned, as playnly it dothe appere, in the prologe of the same: In lyke maner in the prologue of this treatyse, the whyche I entende by the sufferance and

and helpe of our lord Jesu to contriue, compyle, and make to the profytte of all noble men and women, bothe spirytuall and temporalle, I demaunde an other question, and that is this: Howe and by what maner doo all these great estates and noble men and women lyue, and mayntayne theyr honour and degree? And in myne opynion, their honour and degree is vpholden and mayntayned, by reasone of their rentes, issues, reuenewes, and profyttes, that come of their maners, lordshyps, landes, and tenementes to theym belongynge. Than it is necessary to be knowen, howe al these maners, lordeshyps, landes and tenementes shulde be extended, surueyed, butted, bounded, and valued in euery parte: that the sayd estates shulde nat be deceyued, defrauded, nor dysherited of their possessions, rentes, customes, and seruices, the whyche they haue to theym reserued, for mayntenaunce of their estates and degrees, and that there be no parcell thereof loste nor imbesselde, and than may the lorde of the said maners, lordeshyppes, landes, and tenementes, haue perfite knowlege, where the lande lyeth, what euery parcell is worth, and who is his freeholders, coppe holders, customarye tenaunt, or tenant at his wyll. And what rentes, customes, and seruyce he oughte to haue of theym, with many moo articles, as hereafter shall be declared. wherefore it is necessary, that euery great estate, both men and women of worshyppe, that haue great

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possessions of landes and tenementes, shulde haue a surueyor, that can extende, butte, and bound, and value them. And therof to make a boke in parchemente, bearynge a certayne date, after the maner and fourme as I shall make an intitulynge, and to amend it where he semeth conuenient. Quia facilius est addere quam de nouo facere. That is for to say, It is lyghter to adde, reformme, or correcte, than for to make newe and perfyte. And the Surueyour to leaue the sayde boke made by hym, with his lorde, in maner of a register, wherunto the same surueyor, or an other officer, may alway haue resort, whan nede shal requyre, to loke vpon. And that boke so truly made, maye be a regyster and sure euydence: that the lorde, his freholders, copy holders, nor tenantes, shall neuer lose landes nor rentes, customes, nor seruices: but euerye man that readeth the boke, shall perfitely knowe where the landes ly, whose it was at the day of the makynge of the sayd boke, and whose it is. Than, if the owner make a true pee, degre, or conueiance, by discent, or by purchase, vnto the sayd landes or lordshyps. And specially, if the names of the lordes and tenantes that occuppye, myght be renewed ones in forty or thyrscore yeres. For than it wold be as a perpetuall and sure euidence for euer, to put away all stryfe and variaunce betwene lorde and lorde, lorde and tenant, tenant and tenant in good quietnesse and peace. But of oone thynge I pronounce and declare, and take

take God to my recorde: that I make this boke (all only) to thentent that the lordes, the freholders nor theyr heires shulde not be disherited, nor haue their landes loste nor imbesseld, nor encrochyd by one from an other: and to none other entent. And for that, I aduertyse and exhorte on goddis behalfe, all maner of persones, as well lordes, as other: That whan the lordes or freholders knowe where theyr landes lye, and what euerye pasture or parcelle is worthe by the yere; That the lordes nor the owners therof, doo nat heyghten their rentes of theyr tenantes, or to cause them to pay more rent, or a greatter fyne, than they haue bene accustomed to do in tyme past. For as me semeth, a greater charitie nor almes dede a man may not well do, than vpon his owne tenantes. And also to the contrary, a greatter bribery nor extorcyon a man can not do, than vpon his owns tenauntes, for they dare not say nay, nor yet complayne, and therfore on their sowles go it, that so do, and not on myn. Parauenture the lorde wyll saye, it is nat his dede, it was his Surueyours, but that can nat be so, for saynt Augustyne sayth. Qui per alium facit, per seipsum facere uidetur, That is to saye: He that commaundeth an other man to do a thynge, he dothe it hym selfe. And there be two principals in one act doinge, and also he saythe. Consencientes & agentes pari pœna puniantur. That is to say, the consentours and the doers, shalbe like punished. At gram-

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wer scholle I lerned a verse and that is this. Dum poteris, quid vis', poisis cognoscere quia fis. That is to saye, whan thou mayste do what thou wylt, thou mayst knowe what thou arte. That is to wytte, good or yuelle. But for a grounde of this treatyse, the whiche I doo note, and calle the boke of Surueyeng and of improuementes, I do take an olde statute named Extenta manerii, as a principal groũd therof: as here after ensueth.

Of caſtels and other buyldinges, what the walles, tymber, ſtone, lead, ſclate, tyle, or other of couerynges is wozth: as well within the walles as without. And alſo of gardens, curtylages, doue houſes, and all other profytes be wozthe by the yere. &c.

CAP. PRIMO.

INQVIRENDVM eſt de caſtris, & etiam aliis edificiis foſſatis circumdatis quantum muri & edificia ligna & lapidia, plumbo & alio modo cooperata valent, & pro quanto appreciari poterunt ſecūdum verum valorem eorundem murorum & edificiorum. Et quantū edificia extra foſſatis appreciari poſſunt, & quantum valeant vna cū gardinis, curtilagiis, colūbare, & oībus aliis exitibus cur. per annū. This is to ſaye in engliſhe: It is to be enquired of caſtelles, and alſo of other buyldinges, tymber, ſtone, lead, and other maner of couerynges is wozthe. And howe they may be ſolde, after the verye value of the ſame walles and byldynge. And how moche the byldynges without the dyche may be ſolde for, & what they be wozth, with the gardens, curtylages, douehouſes, and all other iſſues of the courte by the yere. To the

decla-

declaration and construction of this statute (me semith there ought to be made a distinction) for the statute goth generally. De castris & aliis edificiis fossatis & circũdatis & extra fossatis. These wordes go as welle to those castelles and other byldinges, that be wel vp holden and inhabited, alwel as of those that be fallen in decay, and not inhabited, and to those that be inhabited. It is nat necessary to be extended nor valued in any parcell: for let a man make a castell, towre, or any maner of newe buyldynges, and finisshe it clerely, if he shulde go take it downe, and selle euery thing by it selfe ageyne, he shuld lose the more halfe of his money. And therfore in myn opinion, this statute was made sone after the barons warre, the whyche ended at the battayle of Euesham, or sone after, in the tyme of kynge Henry the thyrde, where as many noble men of bloud were slayne, and many fled, that afterward were attaynted for the treason they dyd to the kynge. And by reason therof, their castelles and manours were sealed into the kynges handes. And so for want of reparations, the castels and the maners fell to ruine and in decaye. And whan the kynge and his counsayle sawe that, they thoughte it was better to extende them and make the mooste profyte that they coude of them, than to lette them to falle to the grounde, and come to no mannes helpe and profyte. wherfore kynge Edwarde the fyrste ordeyned this statute to be made the fourth yere of his reigne, wherin

is contayned many and dyuers chapters and articles, the which at that tyme was but instructions, how and what they shuld do that were cõmissioners or surueyours in the same.
¶ Fyrst it is most necessary and conuenient to retayle and to sell euery thyng by it selfe, and not all in grosse, som to one man, & some to an other. For that that is good for one mã is nat good for an other: & euery thinge to be praysed & solde by it selfe, that is to say, The stone wall of one house by it self, the tymber of the same house by it selfe, the couerynge by it selfe, the tyle, sclate, or lead by it selfe, the glasse by it selfe, the yron ware, as barres, bãdes, hokes, boltes, staples, or latches, and all suche other by theym selfe, doores, wyndowes, bourdes, and al other thinges by thẽ selfe, and to go fro hous to hous, & sell euery thyng by it selfe, and than shall the true value be best knowen. And it is cõuenient, that these thynges be offred to be solde to dyuers men, and to see who wyl gyue most, and specially to sell whan men desyre to bye. Also to value, what the grasse of the gardens, curtilages, courtes, & house places, that be within the dychesse or withoute, be worthe by the yere. A curtylage is a lytell croft or court, or place of easement to put in cattel for a time, or to lay in wodde, cole, or tymber, or such other thinges necessary for household. Also to value the profite of the douehowse, if any be there, if it be replenysshed with doues.

Surueyenge.

Howe many feldes are of the demaynes, and howe many acres are in euery felde, and what an acre is worthe by the yere. xc. Cap. secundo.

ITEM inquirend. est, quot campi sunt in dominico, & quot acre sunt in cāpo, & quā tum valet quelibet acra per se per annum. It is to be inquered, howe many feldes are of the demayns, and howe many acres are in euery felde, and what euery acre is worth by the yere. This is a light letter, and nedeth but lytell declaration, for by these wordes, quot campi sunt in dominico, It must nedes be taken of feldes that be in tyllage or plowyng, but it wolde be vnderstande, whether the demeyne landes lye in the cōmyn feldes among other mens landes, or in the fieldes by them selfe. And if they lye in the cōmyn fieldes, it is conuenient that they be plowen and sowen, than is not an acre so moche worthe, as and it were in seuerallie inclosed, or in seuerall pasture. For and the felde be inclosed about, than it is at the lordes pleasure, whether they shall lye to pasture or to tyllage, and though it lye in tyllage, yet hath the lorde the Edishe and aftermath hym selfe, for his owne cattel. And therfore an acre is at the more valu, and if it lye in pasture, the pasture may be suche, that it is at double or treble the value of the errable lande. wherefore the acres are to be praysed accordyng, and yf they be great flattes or furlonges in the common fieldes, it is at

is at the lordes pleasure to enclose them, and kepe them in tillage or pasture, so that no nother man haue commyn therin.

¶ Howe many acres of medowe are of demaynes, and how moche euery acre is worth and to what maner of cattelle it is moste necessary vnto, and howe many beastes it wyll fynde, & what the pasture of a beast is worth, by the yere. Cap. iii.

¶ ITEM inquirendum est, quod acre prati sunt in dominico, & quantum quelibet acra valet ad locandum per se per annum, & ad cuiusmodi bestias & animalia pastura illa fuerit magis necessaria, & quot & quales possit sustinere, & quantum valet pastura cuiuslibet bestie & animalis ad locandum per annum.

It is to be enquered, howe many acres of medowe are of the demayns, & how moch euery acre is worthe to set by the yere, and to what maner of beastes or cattell it is most necessary vnto, and howe many it wyll fynd, and of what maner, and what the pasture of oone beaste is worth by the yere. And in myn opinion, it wold be vnderstand whether the medowes or pastures lye in common medowes or common pasture, at large or in seueraltie: For & it lye at large in the cõmon medowes, an acre is noo better worthe than the grasse that the hey is made of is worth, for after it is commen and of lytell value. And if it lye in seueraltie, it is worth halfe as moch ageyne.

of the grasse was worthe. And that hyghe ground and dry, is most cõuenient for shepe, wodde ground and bushe for bestes, and specially in wynter tyme. Lowe groundes, medowe groundes, and marysshe groundes for hey, and after for fatte cattell, and in winter for horses and mares, and meane groundes, that is bothe hylly and daly, as leyse & lowe groũdes, is good for al maner of catell, if the grasse be good & fyne, and specially for fatte cattell or fatte shepe, horses, mares, and yong coltes, for that grasse that one maner of catel wyl nat eate, an other wyl. And therfore it is good to haue a large close, that dyuers maner of cattel may go togither in it, & to know what a beastes grasse is worthe by the yere, that is as the pasture is, that he gothe in is worth, and not ouercharged with catell, and the fyneneſſe of the grasse, and the goodneſſe of an acre. For some acre of grounde is nat worthe a penye by the yere, and some acre is worthe .xl.d. and so a beastes grasse may be dere ynoughe twelue pens in the yere, and it may be worthe .xl.d. or fyue shillinges, and a horse grasse or a mare grasse, may be dere ynough twelfe pens or twentye pens by the yere, and it maye be worthe fyue shyllynges or a noble, accordynge to the goodnes of the pastures. But howe these maners, landes, medowes and pastures shall be viewed, butted, bounded, and valued, shall be reherced, after the statute be ones declared.

¶ Of forren pastures that be commen, how many and of what maner of cattell the lorde may haue in the same, and what the pasture of a beast is worthe by the yere. Cap.iiii.

¶ ITEM inquirend est de pasturis forinsicis, que est cõmunis, quot & quas bestias & animalia dominus habere possit in eadem, & quantum valet pastura per annum ad locand. It is to be inquered of forrein pastures that is commen, how many and what beastes and cattell, and what the lorde maye haue in the same, & what the pasture of a beast is worthe by the yere to set. This is a darke letter to be well vnderstande without a better declaration, for where he sayethe, De pasturis forinsicis que est cõmunis, That maye be vnderstand thre ways: for there is in many townes where as their closes and pasture lye in seueraltie, there is commonlye a commune close taken in, out of the commen or feldes by tenauntes of the same towne, for theyr oxen or kyne, or other cattel, in the which close euery man is stynted and set to a certayntie, howe many beastes he shall haue in the same, and of what maner of bestes, they shalbe. And if the lorde shall haue any cattel therin, he should be put to a certayntie, and of what maner of catell, and this pasture may be wel valewed. And also the beastis grasse, what it is worth therin. But than it ought to be shewed, how many acres be cõteined in the sayd pasture, & what euery acre is worth, one with an other.

In as

An other maner of commyn pasture is moste commonly in playne champyon countreyes, where their cattel goth dayly before the herd men, and lyeth nygh adioynynge to their cō= myn feldes, and it may lye in two or thre pla ces or mo. And in these it is also conuenient, that euery man bestinted to a certentie, other by yardes, landes, organges, rentes, or suche other customes, as the tenantes vse, and the lorde in lyke maner. These commen pastures may be extended, how many acres be in euery parcell by it self, and what an acre is worthe by it selfe, but it can not be so well knowen, what a beastes grasse is worthe yerelye, for they lye most cōmonly with the falowe fel= des, and some falowe feldes be better than some, and so a beestes grasse may be better or worse. The thirde maner of cōmen pasture, is in the lordes out wodes that ly commen to his tenauntes, as commen moores or hethes, the whiche were neuer errable lādes. In these maner of cōmens, me semeth the lorde shulde not be stynted, nor set at no certentie, but put his catell vpon such maner of cōmen pasture at his pleasure, bycause all the hole commen is his owne, and his tenauntes haue no cer= tayne parcel therof layde to their holdinges, but all onely bytte of mouthe with their cat= tell, and it were ageyne reason to abrydge a man of his owne ryghte. But his tenantes and euerye mannes tenauntes, me seemeth ought of ryghte to be stynted, what euerye man ought to haue, goynge vpon all maner

of

of commens, for els wolde the ryche men in the begynnyng of Sommer bye shepe and other maner of catell, and eate vp the cõmens, and selle them ageyne at wynter, or put them in their pastures that they haue spared al the Somer, and so ouerpresse the poore mẽ, that haue no money to bye nor able to reire.

¶ Of parkes and demein wodes, the which the lord may asserte and to do his profit, and howe manye acres they conteyne, and what the vesture of an acre is worthe, and what the ground is worth, whã the vesture is fallen. &c.

Capitulo. v.

¶ ITEM inquirend. est de percis & dominicis boscis, quę ad voluntatem suam possunt assertare, & excolere, & quot acre in se cõtinẽtur. Et quantum vestura cuiuslibet acre possit appreciari, et quantum fundus in se contineat & valeat quando prostratus fuerit, & quantum valeat quelibet acra per se per annũ. It is to be enquered of parkes & of demayne woddes, the which at the lordes wyll may be asserted and plucked vp, or fallen down, and howe many acres ar conteyned in them, and for how moche the vesture of euery acre may be sold, and howe moche the grounde in hym selfe conteyneth, whanne the wodde is fallen, and how moche euery acre is worth by it selfe by the yere. This is to be vnderstand of parkes and demayn woddes, that be in seue-

taltie, wherof the lorde at his pleasure, may assert, stocke vp by the rootes, or falle by the erthe, plowe and sowe to his moste profytte as he wyll, And howe many acres of wodde are conteyned in the same. For in a parke or wodde may be two hundred acres and more, and yet not past a hūdred acres therof wode, lytell more or lytel lasse, and what the vesture (that is to say) the wodde of euerye acre is worth by him self, for one acre may be worth xx.s. or.xl.s. & an other acre dere inough. ii.s. vi.s or.x.s. and howe moche the hole ground conteyneth whan the wodde is fallen. And that is to be vnderstand, all the ground with in pale or hedge, as well the lande ground as of the wod ground, where the wod growed, and what euery acre is worth by the yere, as well of the one maner as of the other.

¶ Of forren woddes where other men haue commen, where the lorde may improwe hym selfe thereof, and of howe many acres, and what the vestnre of an acre is worth, & what the grounde is worthe whan the wodde is fallen, & howe many acres they conteyne, and what an acre is worthe. Cap. vi.

¶ ITEM inquirend est, de boscis forinsicis vbi alii communicant, quid de eisdem boscis dominus se appropiare. & de quot acris & pro quanto vestura cuiuslibet acre communiter possit appreciari, & quantum fundus valet

let postꝙ prostratus fuerit boscus, & quot acre iste contineant, & quantum quelibet acra valet per annū. It is to be inquered of forren wodes, where they and other commyn togither, and what of those woddes the lord may improwe hym selfe, and of howe many acres, and for how moch the vesture, that is to say, the wode of euery acre may be sold, and how moche the grounde is worth after the wode be fallen downe, and how many acres it conteyneth, and what euery acre is worth by the yere. The declaration of this statute is doutful, bicause of the none certente therof, what is sufficient commen: for it is clerely ordeined by the statute of Merton, and after confirmed by the statute of westmynster seconde.

That the lorde shall improwe hym selfe of their wastes, wherby is vnderstande of their cōmen moores, hethes, and waste groundes, as well as of woddes. Thoughe the statute speake but of woddes only leauyng their tenauntes sufficient cōmen, the whiche in myn opinion be those tenantes that haue commen appendaunt, and holde their landes of him. It is necessary to be knowen what is sufficient of commen, and that me semeth by reson shuld be thus. To se howe moche cattell the heye and the strawe that a husbande getteth vpon his owne tenement, wyll fynde sufficiently in wynter, if they lye in house, and be kept therwith all the wynter season, for soo moche cattell shuld he haue commen in sommer, and that is sufficient.

YE shall vnderstand, that there be. iiii. maner of cōmons, that is to wyt: cōmen appendant, cōmen appurtenāt, cōmen in grose, & cōmen ꝑ cause de vicinage. s. neighborship. Cōmen appendaunt is, where a lorde of olde tyme hath granted to a man a meseplace, and certayn landes, medowes, and pastures, with their appourtenances to holde of hym. To this meseplace, landes, and medowes belongeth commen, and that is called commen appendant. But and a man graunt to an other certayne landes or pastures, the whiche ly in seueraltie, enclosed with the appurtenaunce in fee, to holde of the chiefe lordes, to these landes me semeth belongeth no cōmen, without he haue suche speciall wordes in his dede. Commen appurtenant is where a man hath had commen to a certayne nomber of beastis or without nomber, belongynge to his meseplace in the lordes wastes, this is cōmen appurtenaunt by prescription, bycause of the vse out of tyme of mynde. Cōmen in grosse, is where the lorde hath granted by his dede, commen of pasture to a straunger, that holdeth no landes of hym, nor oughte to haue any commen, but by reason of that graunte by dede. Nowe the lorde maye nat improue hym selfe of any parcell, for it is contrary to his graunt, though there be sufficient of commen. And in lyke case, if the lord grant commeu to a man by dede, and to lymytte hym a certayne noumber of beastes, see what was cōmen at that tyme, and of that the lord shal

nat

nat improue hym selfe, for and he shulde, the goodnes of the cõmen to that certayn nõber shuld be abrydged, that they shuld not fare so well, and euerye mannes dede shall be taken strongest agaynst him selfe. And in lyke maner if the lord grant a man commen with his castell, within certayne meires, limites, & bounes, the lorde shall nat improue hym selfe, within those meyres and boundes. Commen per cause de vycynage, is, where the waste grounde of two townships lye togither, and nother hedge nor pale betwene to kepe theyr catell asonder, so that the cattel of one townshyp gothe ouer his meire or bounde into the wast groũd of the other towne, & likewise the catel of the other townshyp to them. And also if their cõmen feldes ly togither vnclosed, in open tyme whã harueste is in, their catell wyll go out of the one fylde into the other fylde, & this is callid cõmẽs, bicause of neighborshyp, and is not vsed nor lawfull to pin their cattel so going, but in good maner to dryue & chace besyde such cõmen. And as for that maner of cõmẽs, me semeth the lorde may improw him selfe of their wast groũdes, leuyng their own tenãtes sufficiẽt cõmen, hauing no regard to the tenãtis of the other tounshyp. But as for all errable landes, medowes, leise, & pastures, the lordes may improue them selfe by cours of the cõmen law, for the statute speketh nothig but of wast groũdes. & ye shal vnderstãd, that how be it that a lorde may nat improwe him selfe of his wast groũdes, yet may he lawfully

fall

fal and sel al the wod, brome, gorse, fyrs, braken, ferne, bushis, thornes, and such other, as free stone, lyme stoone, chalke, turues, claye, sande, lead, ore, or tynne, to his owne vse, for the tenauntes may haue nothynge by reason of cōmen, but all onely bytte of mouthe with their cattell. And ye shall knowe, that swyne and geese haue no commen, but by suffrance, without special wordes in their charter. Also the lord shall haue his fre warren for all maner beastis and foules of warren in his wast groūdes, as wel as in his seueral groundes, & as long as the beastes or foules of warren be vpon the lordes ground, they be the lordes if he haue warren, and the lorde maye haue an action of trespas against any man, that chaceth or killeth any of them in his commen, as well as in his seuerall. And if they go or flye out of the lordes warren, thā is the propertie chaunged, and the lorde hath loste his action for takynge of them whan they be out of his warren, without they come into his warren ageyne, there is no man hath warren but by speciall graunt of the kyng by charter, except it haue ben vsed tyme out of mynd, & alowed before iustice in Eire. And as for the articles cōteyned in this present chapit the letter ther of is playn inough, and also touched before.

¶ whether the lord may gyue or sell the resydue of his forren woddes, and what suche gyfte or sale is worth by the yere. &c. Cap. vii.

Item

¶ITEM inquerend̄ est, vtrum dominus de residuo boscorum prędictorum forinsicorū, dare possit, et quantum valet talis donatio, vel venditio per annum. It is also to be enquered, whether the lorde may gyue or selle the resydue of his forren woddes aforsayd, & what suche gifte or sale is worth by the yere. This letter is playne ynough, and as me semeth no doubte, but that the lorde may giue or selle the resydewe of the sayde woddes or wastes. Except that a manne heue commen of Estouers. But what that gyfte or sale is worth, is to be vnderstand and knowen, and as me semeth the donee or the byour, shall be in lyke cause, as the lorde shuld haue ben if he had not gyuen it nor solde it. Than the lorde hath improued hym self of as moche woddes and wastes as he can lawfully, and whan he hath gyuen or sold the resydue of that, he can not improue hym self of it. In like maner the donee nor the byoure can nat improue theym selfe of any part therof. For they can nat be in no better case, than he of whome they had it. How be it that they, that of right ought to haue their commens, be nat their tenauntes, but their title and interest grewe by inherytance, longe time before the gifte or sale made by the lorde. And it foloweth by reason, that the gyfte or sale of a stranger shall nat hurte an other mans inheritaunce. But this donee or this purchasour, shall take to their profite all the vesture standyng vpon, or being with in the sayd ground, as woddes, & such other:

as is

as is layd before in the next chapiter.

¶ Of panage and herbage of the town, and of all other profites of pooles, meires, and rynnyng waters, of moores, heythes, and wastes, what they be worth by the yere. &c. Capit. viii.

¶ ITEM inquirendum est de panagio & herbagio ville, & omnibus aliis exitibus viuariorum morarum bruerum & vastorum quantum valent per annum.

Also it is to be enquered of panage, and herbage of the same town, & of al other profites of pooles, meires, and rynnynge waters, of mores hethes & wastes, what they be worthe by the yere. And where this statute speaketh de panagio, that is to be vnderstande, whan there is anye maste growynge in the lordes woddis, whereby mens swyne may be fedde and relieued, what profyte that may be to the lord. For there is no man that can clayme of right to haue the mast, the whiche is a frute, but the lorde: except his free tenaunt haue it by special wordes in his dede, Quod sit quietus de panagio. And the lorde shall haue it in his forein outwoddis, aswel as in his parkis or seueral wodes, and as the quantitie of the mast is, so the lordes bayly of right ought to lay mens swyne thervnto from Myghelmas to Martylmas, and to make a true accompt therof

therof at the lordes audite, what he takith for euery swyne. And in many places the tenantes goo fro panage in the forren woddes by custome, and that is moste commenly wher as the tenantes pay tache swyne by custome, if he haue to a certayne nombre, or els to paye yerely at Wygheimas. i.d. or an halfpeny for euery swyne, as the custome is vsed. The statute speketh, De herbagio ville. That is to be vnderstande of the common pasture that belongeth to the towne, wherevpon the herdesman kepeth the tenauntes cattell, It may be so good, that the tenauntes nede nat to haue any seuerall pasture, but that their commen pasture shuld be able to fynde al their cattell bothe horses, mares, beestis, and shepe, and so it was of olde tyme that all the landes, medowes, and pastures, lay open and vnclosed. And than was their tenementes moche better cheape than they be nowe, for the mooste part of the lordes haue enclosed their demeyn landes and medowes, and kepe them in seueraltie, so that their tenauntes haue no cõmyn with them therin. And also the lordes haue inclosed a great parte of their waste groundes and streytened their tenauntes of their commyns therin, and also haue gyuen lycence to dyuers of their tenauntes to enclose parte of their errable landes, and to take in newe intaches or closes out of the commens, payenge to their lordis more rent therfore, so that the commen pastures waxen lasse, and the rentes of the tenauntes waxen more and more.

And

And that is, bycause the tenauntes waxen moze polytike in wyſedome to impzoue their tenementes, holdynges, and fermes: and at thende of the terme, an other man that made no coſte of the ſayde impzouementes, offreth the lozde certayn money foz a fyne to haue it, oz to heighten the rent of the ſame, ſo that he that made the coſte oz his chyldzen, ſhall nat haue the ſayd ferme, without he wyl gyue as moche oz moze as is offred to the lozd, and ſo thzow the enuy of his neighbour and the couetouſneſſe of the lozde and his offyceers, the pooze tenant hath a great loſſe, oz els vtterly vndone, god amende it. And the lozdes haue a greater loſſe than they wene, foz their tenantes ſe how their neighbours that haue bilded their houſes, impzoued their lãdes and be put out, except he make afyne oz pay moze rente, cauſeth theym nother to bylde noz otherwiſe to impzoue their holdinges, to the lozdes gret loſſe at length. And where the ſtatute ſayth, De omnibus aliis exitibus viuariorum morarum bruerum & vaſtorum. And of al pzofites that ſhall come of the lozdes ſtandynge waters, mozes, hethes, and waſtes. Viuariũ is a pole oz a meyze that fyſhe encreaſeth & lyueth in. Some rynning waters be as free, and ſeuerall to the lozdes, as their poles, meyzes, oz ſtandyng waters. And as they be ſtozed with fyſhe, ſo dothe the pzofyte ryſe to the lozdes, whether they go by way of impuemẽt oz ſet to ferme: wherof the bayly ſhal make accõpt. Moozes, hethes, & waſtes, go in lyke maner

as

as the herbage of the townes, for the lordes tenantes haue commen in all suche out grosses with theyr cattell, but they shall haue no wodde, thornes, turues, gorse, ferne, and such other, but by custome, or els speciall wordes in his chartour.

Of mylnes, seuerall fishyng, and commen fyshyng, what they be worth in the yere. Cap. ix.

¶ ITEM de molendinis, piscariis seperalibus & communibus, quantum valent.

Also of mylnes, seuerall fyshynges, and commen fyshynges, what they be worth. In this short article many thynges are to be remembred, for where he sayth, De molendinis, the which is in the plurell nomber, it is to be vnderstād, that there be many maner of milnes, as cornemylnes, wyndmylnes, horsemylnes, and quernes that goo with hande: Fullynge mylnes, sythe mylnes, cutler mylnes, smythe mylnes, and all other, as the whele gothe by drift of water, to blow the belows or to dray any water like a pompe, as there be in Cornwall and dyuers other places, Though they be no mylnes, properly to grynde corne, yet it is a profyte to the lorde, the whiche a surueyour may not forget to put in his boke, and to but and bound them as they lye, and who be the fermours, and what rētes they pay. And to the corne mylnes to the most part of them belongeth Sucone, that is to say, custome of

the tenantes to grynde theyr corne at the lordes mylne, and that is as me semeth, all suche corne as groweth vppon the lordes grounde, that he spendeth in his howse. But yf he bye his corne in the market or other places, he is than at lybertie to grynde where he may be best serued, that maner of grynding is called loue Socone, and the lordes tenantes be called bonde socon. And if they grynde nat theyr corne at the lordes mylne, the lorde maye amerce them in his court, or els he may sue thē at the cōmen lawe, De secta molēdini faciēda. But whan he shall make his declaracyon in the debet, and whan in the solet, I remytte that to menne of lawe, that haue experience therof. It is also to be knowen how the tolle shulde be taken, but there be so many dyuers grauntes made by the lorde, some men to be grounden to the twentie parte, and some to the.xxiiii. part, tenaunt at wyll to the. xvi. parte, and bondmen to the.xii. parte, some men to be tolle fre, and some to be hopper fre, that is to wyt that his corne shalbe put into the hopper and grounde next to the corne that is in the hopper, at the tyme of his comming. And in some place to take the tolle after the strength of the water, that foloweth by reason, for that mylne that hath a bygge water, and may dryue a great brode stone, the which wyl make moch more meale, than that mylne that goth with a lyttell stone, he is moch better worthy to haue the more tolle, & yet shall the owner of the corne haue the more profite.

And

and soo there be soo many diuersities of takynge of tolle, that I wyll not take vppon me to telle howe, but also remytte it to men of lawe, to shewe the dyuersities. But dout ye not, the mylners wyll be no losers, and of mylnes there shall more be spoken of in the chapiter of waters, among the improwmentes, De piscariis & seperalibus: that is to be vnderstande, in the lordes standyng waters, as pooles and meyres: and alsoo rynnynge waters that be seuerall, as be very many in dyuers countreys, sette to ferme frome oone place of the ryuer to an nother, for certayne rent. and if any man fysche in the lordes pooles or meyres, the lorde maye haue his apion vpon the statute westmynster primer. And yf he fysshe in the rynnynge and seuerall waters, the lorde may haue his action at the cōmon lawe. and in lykewise the lordes tenant, if any man fysche in his ferme hold, be it standyng waters or runnyng waters. And where he saythe, De omnibus, of commen fysshynges, that is lyttell profytte to the lorde, but to his tenauntes, except he dwelle nyghe the see, and wyll cause his seruant to fysche there for hym, for that is the beste commen water that any man can fysshe in. And some rounnynge waters be commen, as lyttell brookes and dytches, and in some runnynge waters, the lordes tenantes haue lybertie by custome to fysche with shouenettes, trodenettes, small pytches, and suche other.

Of free tenantes, the whiche dwell without as well as within. &c. Ca. x.

¶ ITEM inquirendum est de libere tenentibus quibusq; forinsecis & extrinsecis.

Also it is to be enquered of freholders, the whiche dwell without as wel as within. By this letter it is to be vnderstande, that a free holder may dwell out of the precincte of the lordes manour, and yet hold his lande of the sayd maner. For one manour may stretche in to dyuers shires, as the honor of Tutebury, walyngford, Pountfret, Tyckell, and such other: And in that case the lorde of the honour or manour, may take a distresse for his rentis, homagis, reliefes, customes, & seruices, and to bryng the same distresse oute of that shyre, where it was taken, into that shyre, where the manour is, of whome these sayde landes be holden. And if the tenant wyl sewe Repleuy, the sheriffe where the catell is, shal make & serue the repleuy, and not the sheriffe where the goodes or the catel was taken, nor returne vpon his repleuy, Quod auería elongata sunt. And the lord may haue a freholder that holdeth his land of him, and payeth him cheke rentes and other seruice, and nat by the reason of any maner. And thus if a man purchase a parcell of lande before the making of the statute, Quia emptores terrarum, and gyue the same landes ageyne to a straunger before the makyng of the sayde statute, to holde of hym by certayne rente and seruyce.

This

This may be called a foꝛren free holder, foꝛ it is no parcell of any maner, and it is no manour it selfe. Foꝛ to euery maner belongethe two thynges, that is to saye, parcelle in demayne, and parcelle in seruice, That is landes in demayne belongyng to the maner, and seruyce, customes, oꝛ rentes, and this freholder I spake of befoꝛe, hath demayne, but he hath no seruyce. Also a man maye haue both rente and seruyce of a freeholder, and yet he holdeth not his landes of him that he payeth his chiefe rent vnto. Also and a man purchase landes syth the makyng of the sayde statute, and gyue it to a straunger, reseruyng fealtie and certayne rente: this free holder holdeth his landes of the chiefe lozde next aboue, and yet shall he pay his rentes and seruices reserued to hym that gaue it to hym, and yf the gyfte were in the tayle, and no remaynder in fee ouer, now the reuercion resteth styl in the donoꝛ. I coude speke moꝛe of the gyftes and remainders, but I remyt them to men of law that be lerned, foꝛ it is not the matter that I entend to speake of. How be it, it is very necessary foꝛ euery surueyour to haue in syghte and experience of the common lawe, oꝛ els at some season he shall deceyue his lozde oꝛ his tenaunt, and specially e his owne sowle. foꝛ saynt Isodoꝛus sayth, Quod ignorãtia crassa vel affectata nõ excusat peccatum. That is to say, ignoꝛance of cunnyng oꝛ of the faculte in hym that taketh vpon hym as a mayster oꝛ techer of the science oꝛ cunnyng, excuseth nat

a mans offence, for euery man that good hath sende wytte and reason vnto, is bounden to knowe, whether he do well or yuel. And therfore it is necessary, that euery man lerne and do his dilygence to knowe, what he oughte to do, or he take vppon hym, any suche office or rowme.

¶ who be fre tenantes, and what landes and tenementes and what fees they holde, and by what seruice whether by socage or by knight seruice or other, and what rent of assise they giue by the yere, and who holdeth by charter, and who by auncient demayn, and who by newe feoffement.

Capitulo. xi.

¶ ITEM inquirend. est, qui sunt liberi tenentes, & que & quas terras & tenementa, et que feoda teneant, & per quod seruitium, vtrū per soccagium, vel per seruitium militare, vel alio modo, et quantum reddant per annum de redditu assise, & qui tenent per cartam, & qui non, et qui per antiquam tenuram, et qui per nouum feoffamentum. Also it is to be enquered, who be free tenauntes, and what maner landes and tenementes, and what fees they hold, and by what seruyce, and whether it be by socage or by knyghtes seruice, or of any other maner, and what they yelde by the yere of rent of assise, and who holdeth by charter and who nat, and who by the old tenure, and who by the newe feoffement. It appereth by this

this artycle, that there be many maner of fre holders, and holde their landes & tenemẽtes in diuers maner, and by many maner of rentes, customes, & seruices, as tenauntes in fee symple, tenantes in tayle, tenauntes by coppye of court role, tenauntes by the curtesy, tenantes in dower, & tenantes for terme of lyfe by speciall grant, & many other. And all these tenantes may holde their landes by diuers tenures, customes, and seruices, as by homage, fealte, escuage, socage, knyghtes seruyce, graunt sergentie, petyte sergentie, franke almoyne, homage auncetrell, burgage tenures, and tenure in villenage. But to declare the diuersytie of all the tenures, it wolde be to longe a peece, & therfore I remitte it to the first boke of the commen lawe, called the tenures. But the diuersitie of these tenures, what rentes, fees, customes, & sernices, the lorde oughte to haue of his tenantes, can nat be knowen but be the lordes euydence, courte rolles, rentayles, and suche other presidentes, and specially be the originall dedes of their tenauntes. And ye shall knowe, that the lordes may nat distrayne their tenauntes, nor cease their landes into their handes, to cause their tenauntes to shewe their euidence, wherby they hold their lãdes. But if the lorde haue any euidẽce, rentayles, or court rolles, of any maner of rẽtes, customes, or seruices, that he hathe nat, & can proue a possessiõ of the same in his ancesters, sythe the limitacion expressed in the statute of westmynster seconde in the seconde chappter,

than he may laufully diſtrayne for the ſame. And than muſte the tenant ſhewe a diſcharge by ſufficient wꝛitynge, and nat by wordes, or els to paye the ſame: for mater in wꝛitynge, maye nat be diſcharged by a nude parol .s. bare wordes. The ſtatute ſpeaketh, Qui tes nent per cartam, et qui non. The tenantes in fee ſymple, and the tenauntes in tayle, that haue euidence and dedes made and ſealed, and poſſeſſion deliuered of their lordes or by their attourney, from one to an nother, they holde their landes by charter, be it newe made or olde. And alſo there be tenauntes in fee ſymple, and tenauntes in tayle, that holde by no charter, & thoſe be tenantes by copy of court role. As and a lorde haue a manour, & within the ſayde maner there is a cuſtome, that hath ben vſed tyme out of mynde, that certayne tenauntes within the ſayd manour, haue vſed to haue theyr landes and tenementes, to hold to them and to their heyres, in fee ſymple, fee teile, or for terme of life, at the wil of the lord after the cuſtome of the maner. And ſuche a tenaunte may nat gyue nor ſell his lande by dede, for and he do, the lorde maye entre as in landes forfayte to hym. For if ſuche a tenant wyll gyue or ſelle ſuche maner of landes to a nother, he muſt ſurrendre the ſame landes in the lordes court, in to the lordes handes, vnto the vſe of hym that ſhulde haue it, in fee ſimple, fee tayle, or for terme of lyfe. And he that ſhall haue the lande, muſt come into the court & take it of the lorde, as here after foloweth.

And haue

¶ AD hanc curiam venit I. B. & ſurſum reddidit in eadem curia vnum meſſuagium. &c. in manus domini, ad vſum A. D. et hered ſuorū vel hered de corpore ſuo exiſtentium, vel pro termino vitę ſuę. Et ſuper hoc venit prædictus A. D. & cœpit de domino in eadem curia prędictum meſſuagium. &c. habendum & tenend ſibi & hęredibus ſuis, vel ſibi & hęred. de corpore ſuo exiſtentibus, vel ſibi ad terminū vite ſue ad voluntatem domini ſecundū conſuetudinem manerii, faciēdo & reddēdo inde reddit ſeruicia & cōſuetudines inde prius debita & conſueta, & dat domino de fine. &c. & fecit domino fidelitatem, & admiſſus eſt inde tenens. And theſe maner of tenauntes ſhall nat plede noꝛ be impleded of their tenemētes by the kynges wꝛitte, but and they wyll implede ech other foꝛ their tenemētes, they ſhall haue their playnt made in the loꝛdes courte, after this foꝛme oꝛ effecte.

☞ A. de B. quęritur verſus C. de D. de placito terre videlicet de vno meſſuagio, decē acris terre, tribus acris prati. &c cum pertiñ. And ſhall make pꝛoteſtation to ſue his plaint in the nature of the kynges wꝛitte of Foꝛmdone in deſcender at the cōmen law, oꝛ of the kinges wꝛitte of Aſſiſe of noueil diſſeiſon, oꝛ of Aſſiſe of moꝛtanceter, oꝛ of any other wꝛit at the cōmen law. Plegii de proſequend. G. F. & G. H. but how the dꝛclaration, the anſwer, replicacion, and reioynder ſhuld be made: and alſo an action of Dette, detinue, couenaunt, treſpas, and ſuch other, I remyt that to mem

of law, that haue experience therof. But one thyng wotte I well, that many an erronious proceſſe, the ſtewardes make in theyr courte rolles. wherfore men of honour and of worſhyppe, and abbottes, priours, and ſuche other, ſhulde make men of lawe theyr ſtewardes, and to cauſe theym to exercyſe the office by hym ſelf, with his clerke ſufficiētly inſtructed by his mayſter, that there maye be made due proues, without fauour, bribery, or extorciō, on peyne of forfayture of his office. But it is a commen vſe in ſome countreys: that lordes, knyghtes, ſquyers, & gentylmen, that knowe but lytel of the lawe, be made ſtewardes, and they come to the court or ſende their clerkes, that can as litle law as their maiſter or laſſe, but that he vnderſtandeth a lytell latyn. And yf there be a fyne to make for a tenemente, howſe, or cloſe that is to be ſet: the ſtewarde ſhall haue a rewarde for his good wyll, that he may haue it before an other man, and the clerke muſt haue an other rewarde for to entreate his maiſter to the ſame, ſo that the lordes fyne muſte nedes be the laſſe, or elles the poore man ſhalbe at a greatter charge. wherof ſpeaketh Salomon, Prouerbiorum xvii. Melius eſt parum cum iuſtitia, q̄ multi fructus cum iniquitate. It is better to haue a lyttell ryghtuouſely, than to haue moche profytte wyckedly. But newe to my mattier, that I ſpake of before, there maye be in one maner or lordſhyppe, bothe charter lande, and copy lande, and ſythe of theym well knowen from

other.

ther, and one man may haue and hold them bothe. Also there be other tenauntes by copy of courte roll, and are callyd tenantes per le verge .s. by the yarde. And they be called so, bycause whan they wolde surrender their tenementes into the lordes handes, to the vse of an other, they shall haue a lyttell yarde in their hande by custome of the court, and that they shall delyuer vnto the stewarde, if he be there present, or to the bayly or reue, or to other two honest men of the lordshyppe. And at the next court he that shall haue the sayde landes shall take it in the courte, and his taskynge shall be entred in the role, and the stewarde or bayly, as the custome is vsed, shall delyuer to hym that shall haue the lande, the same yarde, or an nother in the name of seasson, and hath none other euydence, but the coppe of the courte rolle, and it may be made in fee symple, or fee tayle, or for terme of lyfe. And all maner of customes that be not agayn reson, may be admitted and alowed for a custome. And how be it that these maner of coppy holders haue an estate of inheritance, after the custome of the maner, yet haue they no franke tenement, bycause of the common lawe, and therfore they be called tenauntes of base nature. Me semeth it were necessary and conuenient, to shewe dyuers dyuersities howe copies shulde be made, for feare least euery man, that taketh vppon hym to kepe a courte, hath nat perfitly the experiēce therof, as here after ensweth.

Fyrst

¶ Fyrst of surrenders of landes holden by the yarde.

¶ He shal take a yerde in his hand by thend, and delyuer the steward the other end in his hand, and say to the stewarde. Here I, A.B. doo yelde vp, or surrender my landes called D. the which I holde of this lordshyp at the lordes wyl, after the custome of this manor, to the behoue of Johñ Browne & his heires.

¶ Howe the stewarde shall delyuer seasen.

¶ The stewarde shall delyuer hym an ende of the yard in his hande, that shall haue this lande, and he shall saye thus to hym. My lorde graunteth you seasen of this land that was A.B. the which ye take here in the court to you and to your heires, to holde at my lordes wyll, after the custom of this maner, and than he shall be sworne. &c.

¶ The maner of the othe of the tenaunt.

¶ I shall beare faythe and trouthe to my lorde of this manour, as for the landes and tenementes that I haue taken of him, & truly do and pay the suites, customes, rentes, and seruices that longeth therto, as for the terme that I shall occupie it, soo helpe me god. &c. and kysse the boke, and lay downe a peny, as the custome is.

¶ Howe the copy ſhuld be made of landes holden by the yarde.

¶ AD hanc cur. dominus cõceſsit extra manus ſuas per I. F. capitalem ſeñ ſuum T. D. & M. vxorí eius vnum meſſ. et ſex acras terre cum pertiñ iacent apud B. quibus dominus per ſeneſcallum ſuum conceſsit ſeiſinam habend ſibí & hęredibus ſuis de domino per virgam ad voluntatem domini ſecñdum conſuetudinem manerii, & dant domino de fine pro ingreſſu inde habendñ, prout patet in capite, & fecit domino fidelitatem, & admiſſus eſt inde tenens.

¶ An other fourme for certayn rent, for all maner of ſeruyce.

¶ AD hanc cur. dominus conceſsit per I. F. ſeneſcallum ſuum. T. B. & M. vxorí ſue vnum meſſ. ſex acr. terre. ii. acr. prati, & vnam acram boſci cum pertiñ prefatis T. & M. hered, & aſsignatis ſuis ad voluntatem domini ſecundum conſuetudinem manerii, redd. inde annuatim domino, et hered. ſuis, vel ſucceſſoribus ſuis, ſi dominus ſit religioſus. v. s. vi. d. pro omnibus & ſingulis ſeruiciis ad duos anni terminos videlicet. &c. equis portionibus, et dãt domino de fine. &c. & fecit fidelitatem.

¶ The common courſe is to put in certeynetie all their rentes, cuſtomes, and ſeruyces, in theyr copyes, and that is in auncient demayn, and in all places where their tenantes haue

haue their landes by coppe to them and their heyres, after the custome of the manour: for there they haue or ought to haue a customary role, wherin is euery mans lande conteyned, and what rent, customes, and seruyces euery man ought to pay and do: and in many places, theyr lawes, and theyr customes be put in writyng, and remayne in their owne keepyng, to put them in a redynesse, whan nede shall require. but and there shalbe made any newe incrochementes or intaches inclosed or taken in, out of the commens, or any myne new found, as lead or tyn, cole, yron, stone, or such other, if a copy shalbe made therof, it is than necessary and cõuenient, the rent therof to be put in the copy, for it is a newe thynge that hath not goone by custome, and also it wolde be put in the customarye role, for this newe approuemẽt may fortune to encrease of rent or decrease in rent, and therfore the rẽtes must alway be expressed. Also where a mã hath a lordship, wherin be many tenãtes that hold their landes of their lord by copy of court role for terme of yeres, or for terme of life, where they haue no state of inheritance: In all such copies it is conuenient, that the rentes be expressed in the same copies, causa patet.

¶ A recognition of the tenant what he holdeth of the lorde.

¶ AD hanc cur. venit R. T. coram S. E. seneschallo huius manerii, et cognouit se tener. de dño vnũ mess, decẽ acr, terr. tres acr, prati cum

cum pertiñ in L. voc. C. libere per cartam in ſocagio per reddiñ. xii. ð. vel vnam libram piperis, & ſectam cur. bis per annum. Et etiam dictus R. T. cognouit ſe tenere de domino alium meſſuagium cum crofto adiacente, et ſex acras terre, et. ii. acras prati cum pertiñ, ad voluntatem dñi ſecundum conſuetudinem manerii, et per redd. duorũ ſolidorum, et fecit fidelitatem, et admiſſus eſt tenens.

¶ The forme of a copy in auncient demayn, where the proclamations ſhulde be had.

¶ AD hanc cur. tent ibidem talí die et anno &c. venit A. B. filius et heres I. B. et ſurſum redd. in manus dñi vnũ meſſuagiñ. x. acr. terre. tres acr. prati cum vno crofto in D. infra iuriſdictionem huius cur. ad opus E. F. hered. et aſsign ſuorum imperpetuum virtute bargagnie inter eos fact. Et ſuper hoc publica proclamatio in ead. cur. fact fuit, ꝙ ſi quis aliquod ius ſeu titulum ad eadem meſſuag. terr. prat & croft, vel in aliqua eorum percella pretẽdere voluit, vel haberet, veniret, & audiretur, et nullus venit ad hanc cur. per quod ſecundum conſuetudinem manerii, meſſu. predict terre prata et croft predict remanerent in manus domini vſq; ad tertiam proclamac. ſuper eoſdem fact, et ſuper hoc dies dat eſt partibus predictis eſſendi ad proximam cur. manerii predicti, ad audiẽdum inde iuditium ſuum ſuper premiſsis, et ad hanc cur, tent ibidem talí

die

die.&c. tam predictus A. B. q̄ predict E.F. ve-
nere, et super hoc secūda ꝓclamatio fact fuit
super premissis, ꝙ si aliquis aliquod ius, vel ti
tulum ad prędict messu. terr. prata &c. haberet
aut pretenderet, veniret et audiret. Et nullus
venit, & super hoc dies dat est partibus predi-
ctis essendi ad proximam cur. manerii predicti
ad audiend. inde iudicium suum. Et ad hanc
cur. tent ibidē tali die. &c. tam predictus A.B.
quam predictus E.F. vener. et super hoc tertia
proclamatio facta fuit super premissis, quod
si aliquis aliquod ius, vel titulū ad predictum
messuagiū terr. prat et croft, vel in aliqua eo-
rum parcella haberet, vel pretēderet, veniret,
et audiretur, et nullus adhuc venit. Et super
hoc dominus per I. G. seneschallum suum cons
cessit seisinam de predict messuagio, terris,
prat, et croft cum eorum pertinēn prefato E.
F, tenend. sibi hered. & assignā suis secundum
consuetudinem manerii predict, et dat domi-
no de fine ad ingress. &c. et admissus est inde te
nens, et fecit fidelitatem.

¶ The forme of a copy in auncient demeyn, where the wyfe shalbe examined.

Dale.

¶ AD cur. tent ibidē tali die anno. &c. T.B.
de N. & M. vxor eius hic in plena cur. sol. exa-
minat et confess. sursum reddiderūt in manus
domini vnum messuagiū & dimidiā bouatam
terr. ac vnam quarronam terre cum suis per-
tiñ in N. predicta voc. D. ad opus W.C. de O.
vnde accidit domino vnum equū de heriotto.

et

et ſuper hoc venit dictus W. C & cepit de domino dict meſſ. &c. cum ſuis pertiñ, habend et tenend ſibi et Anne vxor. ſuę & her. et aſsignẽ ipſius W. imperpetuum ſecũdum conſuetudinem manerii, per reddd. conſuetudinem, et ſeruic. inde prius debit et conſuet, et dant domino de fine pro ingreſſu, habend dict meſſ. & ceteris premiſsis. &c. et data eſt eis ſeiſina, et fecerunt fidelit.

¶ An other forme for terme of lyfe.

¶ A D hanc cur. &c. venit. I. D. et. I. vxor eius ipſa ſola examinata corã ſeneſcallo, et ſurſum reddiderunt in manus domini vnum tenemẽtum cum pertiñ in A. iac. inter tenement I. B. ex parte orient et tenementum C. D. ex parte occident, & abbuttat ſuper altam viã ex parte auſtrali, & ſuper gardinum E. F. ex parte boriali, ad opus G. H. & I. vxoris eius ad termi num vite eorum et alterius eorum diutius viuentis ſecundum conſuetudinem manerii, et dant dño de fine &c. et fecerunt fidelit.

¶ An other forme vpon condicion.

¶ A D hanc cur &c venit I. C. et ſurſum redd in manus domini vnum cotagium iacens. &c. ad opus I. D. &c. tenend. ſibi & hered. ſuis de domino ad voluntatem domini ſecundum. &c. ſub condicionibus ſubſequentibus: videlicet ſi predictus I. D ſoluat aut ſolui faciat prefat I. C. xl. s. ad feſt. videlicet, &c. pximo futuro

data huius curie, ꝙ tunc prẽsens sursum redd̃ sit in suo robore et effectu, & si ipse defecerit in solutione solutionũ predict̃ in parte vel in toto, ꝙ ex tunc bene licebit prefat̃ I. C. & assignũ suis reintrare, et rehabere predictum costagium, ista sursum teddic. non obstante in aliquo, et dat domino de fine. &c. et fecit fidelitatem. &c. & admissus est. &c.

¶ In other maner of surrender made to the bayly out of the court.

¶ AD hanc cur. &c. compertũ est, ꝙ T. C. extra cur. sursum reddidit in manus I. D. ballisui in prẽsenc. D. R. & aliorum tenentium domini huius manerii, hoc testante vnam acram terre in G. quond W. B. ad opus X. Z. cui dominus inde cõcessit seisinam tenend̃ sibi & hered. &c. de seruic. &c. et dat. &c.

¶ In other forme, where the lorde granteth a coppe of his speciall graunt.

¶ AD cur. apud D. tent̃ ibidẽ tali die & an. &c. preceptũ fuit balliuo seisir. in manu domini, vnũ teñtum siue mess. cũ pertiñ I. B. voc. E. eo ꝙ ipse ãlienauerit, & vendidit dictũ teñtum cuidã I. T. sine licentia dñi, et inde respõdebit dño de exitibus quousq; &c. & ꝙ in ista eadẽ cur. dñs ex sua gratia speciali concessit dictũ teñtum cum pertiñ p̃fato I. B. cui dñs inde concessit seisinã habend̃ sibi et hered. &c. de dño ad volũtatẽ secundũ &c. et dat. &c. et fecit. &c.

In no-

¶An other maner for terme of yeres, where the lorde shall kepe reparation.

¶AD hanc cur. dominus per I. F. seneschallū suum cōcessit I. E. vnum messuagium cum domibus superastantibus et aduersas terras prata pascuas et pasturas cum sepibus fossatis, et omnibus aliis suis pertiñ voc. A habend. & tenend. sibi et assignē suis a festo sancti Michaelis archangeli proximo futuro post dat huius cur. vsq; ad finem et terminum quadraginta annorum, ex tunc proximo sequentium & plenarie complendorū, redd inde ānuatim. xx.s. ad duos anni terminos videlicet. &c per equales portiones. Prouiso semper, q durante termino predicto, predictus dñs inueniet meremium totiens quotiens necessarium fuerit dicto tenemento ad emendandum reperandum et sustinendum, et dat domino de fine &c, & fecit fidelitatem. &c.

¶An other maner, where a man pretendeth a title, and after releseth in the court.

¶AD hanc cur. tent. &c. cōpertū est, q cū dñs p I. F. seneschallū suū, ad cur. tent apud C. tali die et an. cōcessit extra manus dñi. A. B. et hē suis vnā peciam tre cōtinentē circa tres acras terre siue plus siue min⁹ habeat, quoñ T. C. in A. iacentē inter terrā P. Q. ex parte australi et terram R. S. habend. &c. ad voluntatem domini secūdum &c et postea venit quedam Alicia Bate coram prefato I. F. seneschallo dominī, et pretendit habere titulum in predicta pecia

terre, et hinc pręsens in cur. remisit relaxauit et imperpetuũ quietũ clamauit prefato A. B. et hered suis per licentiam domini totum ius suum et clameum, quę habet, vel habuit vel in futur habere poterit in predicta pecia terre, & in qualibet inde pcel: a. lta videlicet quod ipsa Alicia nec hered sui, nec aliquis alius nomine eorum aliquod ius, vel clameũ in prędicta pecia terre de cetero exigere, vel vendicare posterit, scilicet ab actione iuris vel clamei sint excluſi per p̃sentes, & dat dño. &c. et fecit &c.

¶ An other forme, where the heyre is admitted to his lande, after the deth of his father.

¶ AD hanc cur. tent. &c compertum est quod I. B. obiit seisitus post vltimam curiam, qui de domino tenuit sibi et hered suis vnam placeam terr. voc. C. & inde obiit seisitus, & dicunt quod R. B. filius eius, est proximus heres, & plene etatis, vel infra etatẽ vicz. xii. annorũ, et in custodia T. w vel S. B frater eius, vel cõs sanguineus eius est proximus heres eiusdem I. B & plene etatis, & pręsens hic in cur. petit admitti, & admissus est inde tenens, tenend. sibi et hered. suis de dño ad voluntatem dñi secundũ consuet. &c. et dat &c. et fecit. &c.

¶ An other forme of landes tayled with a remaynder ouer.

¶ AD hanc cur. compertum est, quod R. B. de A. ad cur. tent apud E, tali die et anno &c.

ſurſum redd. in manus domini vnum tenemē-
tum et tres acras terre voc. C. ad opus R. C.
filii eiusdē R. et A. vxoris eius, quibus domi-
nus conceſsit ſeiſinam, tenend. ſibi et hered.
de corporibus eorum legittime procreat. Et
ſi predictus R. & A. vxor eius ſine her. de cor-
poribus eorum legittime procreat obierint,
quod tunc predicta terra & tenementa cū ſuis
pertiñ remaneant rect her ipſius R. B. Et mo-
do curia iſta informaretur per totum homa-
gium, quod predictus R. et A. obierunt, ſine
herede inter eos procreat et predictus. R. B.
ſimiliť, et ſuper hoc venit I. B. frater et heres
predicť R. B et petit admitti, et admiſſus eſt
tenens. &c et per licentiam domini prefatus
I. B. conceſsit predictum tenementum et ter-
ras, que ei remaneāt poſt mortem predictorū
R. B. et R. C. et A. vxoris eius, remaneret W.
C et hered. ſuis, cui dominus inde conceſsit
ſeiſinam tenend ad voluntatem dñi ſecundum
&c. et dat. &c. et fecit. &c.

¶ An other maner for terme of lyfe, with diuers remaynders ouer.

¶ A D hanc cur. venit R B. et ſurſum reddit
in manibus domini vnum meſſuagium, et octo
acras terr. cuſtomar. voc. A. vt dominus faciet
inde voluntatem ſuam, et dominus inde habe-
at ſeiſinam. Et ex gratia ſua ſpeciali recon-
ceſsit predictum meſſuagiū et terr. prefato R.
B. et I. vxori eius durante vita eorum, ita
quod poſt eorum deceſſum dictum tenemen-
tum et terra remaneant B. vxori A. durante

vita sua, et post decessũ ipsius B. predict terre et tenementa remaneant rectis hered. ipsius R. B. imperpetuum tenend. eisdem R. B. et I. vxori eius durante tota vita eorũ per virgam ad voluntatẽ dñi secundum &c. in forma predicta, saluo iur. cuiuslibet. &c. et predicti R. et I. dant dño de fine. &c. et fecerũt fidelitatẽ &c.

¶ A surrender out of the court, and a remainder with a condition.

¶ AD hanc cur. compertum est, quod R. F. languens in extremis sursum redd in manib⁹ B. R. extra cur. per manus I. H. in presentia A. C. & B. D, tenent huj⁹ manerii hoc testant vnũ messuagium cum pertiñ. &c. ad opus A. vxor. predict R. F. tenend sibi per seruic. inde debit secundum consuetudinem manerii, pro termino vitę suę, ita ꝙ post mortẽ dicte A. predict mess. remaneat I. filio predict R. et A. et her. de corpore suo legittime procreat. Et si contingat I. obier. sine her. de corpore suo legittime procreat, quod tunc predict messuagium remañ R. filio predict R. & A. et hered. de corpore suo legittime procreat. Et si contingat predict R. obiere. &c. quod tũc predictũ messuagium per executores vtriusq; eorũ diutius viuent vendat, et denarios inde recept et prouenient pro aiabus parent suorum et eorum in piis vsibus, et operib⁹ caritatiuis in missis celebrandis et elemosinis distribuẽdis, prout melius eis viderint expedir. pro aiabus antecessorum et predecessorũ suorum, quibus dominus

minus inde cõceſsit ſeiſinam tenend in forma predict ad voluntatem domini ſecundum cõ= ſuet manerii, & dant dño de fine. &c. & fec. fi= delit. Et nota ꝙ ſi vnus eorum obiit, et heres eius ſit infra etatem, fidelitas reſpectuatur quouſq; ad etatem veniat.

¶ A ſupplication to be exempte from all maner inqueſtes and Juries within the lordſhyppe.

¶ AD hanc cur. venit R. C. inſtant ſuppli= cando prout ipſe per plurima tẽpora trãſacta ſupplicauit. Et profert domino finem annua= lem nomine exemptiõis, vt ipſe ex ſua gratia ſpeciali & fauore ob cauſam ſenectutis infirmi tatis & debilitatis ſue poſsit exonerare de ce tero, ab oĩbus & ſingulis inquiſitionibus iu= ramentis & offic. quorumcunq;, tam in hac villa q̃ alibi infra dñium domini ſibi obiciend et aſsignand. quapropter aſpecta vero ſenectu te, vna cum infirmitate et debilitate ſua, ſub fine ãnuali nomine exemptionis inde prolate, ac ſuggeſtione eius per tenentes & viſus q̃ ip= ſum veracit congrua teſtificata in premiſsis, modo dominus conceſsit in iſta curia per I. F. ſeneſcallum ſuum prefato R. C huiuſmodi licenc. fauorem et exemptionẽ ad terminum vite ſue duratur. & predict R. C. dat domino de annuali redd. perſoluendũ annuatim. iiii. d. ad terminos vſuales.

¶ Ad hanc cur. venit I. S. et dat domino de fi= ne pro ſecta cur, reſpectuand. per .i. annum, vt patet.

¶ AD hanc curiam venit I. S. natiuus domini huius manerii, et petit licenc. ad maritand. filiam suam infra dominum istud, vel extra, et dominus per W. C. seneschallum suum concessit licenc et dat. &c.

¶ Memorandum, that there is no maner of estates made of free lande by polle dede or dede indēted, but free estates may be made by copy of copy landes, if they be wel made & entred in the court rolles. And the steward is bounde by lawe and conscience, to be an indifferente iudge betwene the lord and his tenantes, and to enter their copies truly in the lordes court rolles, the whiche is a register to the lorde, to know his presidence, customes, and seruices, and also a great suretie to the tenantes, that if their copies were lost, they may vouch and resort to the lordes court rolles, & the steward may make them newe coppes, accordyng to the olde president in the lordes court roll, lyke as at the common law, whan a matter in variaunce bytwene two men is past by verdite, and iugement gyuen thereof, and entred in the kinges recordes, there it resteth of record, and also if a dede or a patent be inrolled, there it remaynyeth of record in lyke maner, so that if any party wyll haue any copie therof, they may sue to the iudges and the officers of the place where the record lyeth, and haue a copy therof exemplified vnder the seale of office of the same place, where suche recorde lieth, and may plede the same recorde in euery court the

kyng

the kynge hath, and the lordes steward may do in lyke maner. &c.

¶ The othe of all maner of officers generally.

¶ To whome the stewarde shall say, lay thy hand vpon the boke and say after me, I shall true constable be, trewe thirdborowe, trewe reue, true frank plege, true tythingman, true ale taster, true wodewarde, and trewe pynder, with suche other officers, that be vsed to be sworne in the lordes court, and trewe presentment make, and truely and duely do and kepe all thynges that belongeth to myne office to do, so help me god and my holydome, and kysse the boke.

¶ The othe of a denysen.

¶ I shall true lyege man be, and true faithe beare to kynge Henry, that nowe is, and to his heires, and no treason do, nor therevnto assent, nor no theste do, nor no theues felowe be, nor any of theym to knowe: But that I shall enforme and do to wyte them that be the kynges officers therof, that haue the lawe to gouerne. and I shal be buxome and obedient to iustyces, commyssioners, sheryffes, exchetours, baylyes, and constables, and to all other officers of the kinges, in al thynges that they commaunde me to do laufully, soo helpe me god and holydome.

¶ The othe of afferour.

¶ I shall truely affere this courte, and high no man for no hate, ne lowe no man for noo loue, but to set euery man truly after the quã tite of his trespasse to my knowlege, sauing to a gentylmanne his countynaunce and his housholde, a marchaunt his marchandyse, a husbande his tenure and his werke beastis to his plough, soo helpe me god and my holy dome.

¶ This article gothe farther. Et quantum reddãt per annum de redditu assise. And howmoche they yelde by the yere of rent of assise. And first ye shal know, that there be thre maner of rentes, that is to say, rent seruice, rent charge, and rent secke. Rent seruice is where a man holdeth his lande of his lorde by fealtie and certayne rent, or by homage, fealtie, and certayn rent, or by any other seruyce and certayne rent. This is a rent seruyce, and yf the rent be behynde at any day that it oughte to be payd at, the lord may distraine for that rent of cõmen right, and if the lord purchase parcell of the sayd lande, that the rent gothe out of, the rent shalbe apporcioned: except it be an entiere rent, as a sperhauke, or a hors, or such other, that can not be seuered, for thã the rent is extinct and gone for euer. &c. Rent charge, is where a man is seased of landes in fee, & grãteth by pole, dede, or by dede indẽted an annuell rent going out of the same landes in fee or in fee tayle, or for terme of lyfe with a clause

a clause of distres: that is a rent charge, and the grantee may distrayne for the same rent, by cause of the clause of dystresse. But if the grauntee purchase parcel of the sayd landes, wherof the sayd rent gothe out, the hole rent charge is extinct and gone for euer. For suche a rent charge maye nat be appoynted, bycause the landes come to his owne possession by his owne act or dede. Rent seeke, is where a man seased of landes in fee, granteth a rent goynge out of the same without a clause of distresse: that is a rent seeke. and it is called a rent seeke, bycause there is no distresse inclidēt nor belongyng to the same. Also if a man by dede indented make a feoffement in fee or in fee tayle, the remaynder ouer in fee or for terme of lyke remayner ouer in fee, reseruing to hym certayne rente without any clause of distresse in the same, that is a rent seeke, and if the graunte were neuer seased of the sayd rent, he is without remaynder by course of the commen law. There is another maner of rent: that is nother rent seruice, rent charge, nor rent seeke, and that is called rent annuel. And that is, where as a man granteth by his dede, an annuitie of .xx.s. be it more or lasse, & chargeth no lād with the paimēt of the same. That is a rēt ānuell, & it chargeth the person that graūteth the said rēt by a wrytte of annuite. & in some cause a rēt charge may become an annuel rēt, as & a man graūt a rent charge out of his lande with a clause of distresse, the graūte is at libertie, whether he wil distreyne

for

for the rent, or sewe a writte of Annuitie a-gaynst the graunter. And if he sewe his writ of annuitie, the land is discharged of any distresse, and therfore the grauntour may make a prouision in his graunt. s. prouiso semper, quod presens scriptum, nec aliquid in eo specificatum, non aliqualiter se extendat ad onerandum personam meam per breue, vel actionem de annuitate, sed tãtummodo ad onerandum terras et tenementa predicta de annuali reddítu predicto. And this prouyse hadde, the landes be charged, and the person discharged.

¶ Of those free tenauntes that sewe to the courte of the countie, and who seweth nat, and howe moche falleth to the lorde after the decesse of suche tenauntes. Cap. xii.

¶ ITEM inquirendũ est de predictis libere tenentibus, et qui sequuntur ad cur. ad cõm in comitatu, et qui non, et quantum accidit domino post mortem talium liberorum tenentium. It is to be enquered of the forsayd fre tenauntes, whiche of theym shall folowe the court of the coũtie, and which nat, and what shall fall vnto the lorde, after the deth of such free tenãtes. Me semeth that all maner such tenauntes that holde theyr land by suche seruyce, hauyng charter londe, ought to folowe the court of the coũtie, if he be somoned to appere, except he haue a speciall grant by chartour of the kyng to the cõtrary, & to be sworn in inqueries before the iustice of peace, iustice

of

of assise, extheters, cozoners, & all other com-
missioners of the kingis, & bitwene ptie & ptie
as the lawe hathe ozdayned it, howe be it in
some case he shall dispende & haue moze landes
than in some case, that is to say, if the womage
in plee ploncll, as trt, trespas, detinue, & suche
other, be declared vnder the valu of .xl. shkes,
than a freholder that hathe any chart lande,
be it moze oz lesse, may passe bitwene ptie and
partie. And also he is sufficient to enquere foz
the king in euery byl of inditemēt of felony, &
so is euery cōstable & freman, though he haue
no lād. But there shall no cōstable noz freh-
der enquere of ryot noz forcible entrees, with
out he may dispend .xl.s. clerely. And therfoze
se the statute of king Richard the .ii. and king
H. the. vii. And also whēr the womages in plee
ploncl be trclared .xl. marhes oz aboue, the fre
holder must haue landes to the clere value of
xl.s. And euery man that shall passe of lyfe &
dethe & foz tytell of landr, be it neuer so lytell,
he muste haue lādes to the value of .xl. s. clere
ly, aboue all charges. And in atteynte, if the
thinge in demaunde and verdyte vpon that
gruen, extende to the value of .xl.li. oz aboue:
Than euery mā of the graūde iury, must haue
lādes to the value of .xx.li. of freholde, out of
auncient demeyne, & of landes in Gauelkinde
xx li. and if it be vnder the value of .xl.li. than
xl.s of frehold is sufficient. The statute reher
seth further. Quid et quātum accidit domino
post mortem talium libere tenentium. what
and howe moche falleth to the lozde, after the
deth

dethe of suche fre tenantes, That is and may be, dyuers maners of rentes, customes, and seruyces: As yf a tenaunt holde of the lorde by knyght seruice & decesse, his heyre beyng of full age, the lorde shal haue for euery knightes fee that the tenaunt holdeth of the lorde. L.s. of his heire in the name of relefe. For the whi the the lorde may distreyne in euery parcell of that lande, that is so holden of him for the same of commen ryghte. And if it be vnder a hole knyghtes fee, as halfe a knightes fee, the thirde parte, the fourthe parte, or the. xx. parte more or lasse: the relefe shalbe apporcionate, accordyng to the same, and shal pay his chefe rentes (if any be) neuertheleffe. And if the tenaunt decesse, his heyre being within age of xxi. yeres, the lorde shall haue the warde and the keppynge of the body, duryng his nonage, and if he be vnmaried, than his mariage to gyue or sell to whome he wyl, without dispargement, and whan he cometh to full age, he shall pay no relefe, and if he be maryed, and vnder thage of. xiiii. yeres, he may refuse and disagre. but howe the garden or his commyt or graunte shall tende, and offre maryage to the warde, and if the warde refuse the offre, or if the warde be rauisshed, and of wardes bycause of wardes, and of dispargemētes of wardes, and disegrementes after maryage, & of wast done by the garden, or his cōmytte or graunte, with mo artycles perteynynge to the same, I remytte all those poyntes to men of lawe, that haue knowlege and experyence therof

therof, for it toucheth not my matter that I treate of. And if the tenant haue issue female, aboue the age of. xiiii. yere, be she maryed or nat maried, the lorde shall nat haue the warde ne the maryage, bycause the lawe entendeth, that she hath a husbande, or may haue at that age, able to do such seruyce. But if the heire female be vnd thage of. xiiii. yeres vnmaried, the lorde shal haue bothe the landes holden of him & the mariage, tyll she come to the age of xiiii. yeres, and two yeres further to tend her mariage in, if she be vnmaried. And at the. ii. yeres end, she may enter into her lãdes, & put out her garden, & to mary her selfe at her plesure, but yf she be maryed before the age of xiiii. yeres in the lyke of her auncester, & than her ancester dye, the lorde shal haue the ward of the land to the age of. xiiii. yerrs, & thã her husbande & she may enter & put out the lorde. & if the tenant holde of two lordes by knight seruice, of one by priorite, and of an other by posteriorite, and dye: the lord, that the tenãt holdeth of by priorite, shal haue the ward of the bodye, be it heyre male, or heyre female, though there be. iii. or. iiii. doughts. for al they ar but one heire to the lãdes, that be holden of him. And the other lord, of whom the lãdes be holdẽ of by posteriorite, shal haue those lãdes holden of him self, and nothing els. And if the tenant hold landes of one lord by knight seruice, and also holde landes of an other lorde by socage and dye (his heires beinge within age) the lord of whom the landes be holden

of

of by knight ſeruyce, ſhall haue the ward and marryage of the heyre, and the landes holden of him, but he ſhal nat haue the landes holden in ſocage, nor the lorde of whome they be holden of, nother. For thoſe landes holden in ſocage durynge the nonage, ſhall go to the next of the blode, to whome the enherytance may nat deſcende, wherof he ſhall make accompt vnto the heyre whan he cometh to ful age. &c. And if the heyre be of full age at the deceſſe of his auncestre, he ſhall paye a releſe to euery lorde that he holdeth any lande of, if releſe be due to be payed, by reaſon of his tenure. But in caſe that a tenaunt holde dyuers manours of dyuers lordes by knight ſeruyce, and haue but one parcell of lande holden of the kynge in capite, the kynge ſhall haue all the hole landes holden of euery lorde durynge the nonage: and the mariage of the heire, if he be vnmaried. and if the heyre be vnder the age of xxiii. yere, and wyll dyſagree to the marryage, than the kynge ſhall haue the marryage of hym or her, or the value therof, and the kynge ſhall nay no chefe rent durynge the nonage, except it be founde due to be payed in the offyce of thexchetour. and many other thynges maye falle to the lordes, as herryottes & other cuſtomes, accordynge to theyr originall dedes, and vſe of the manour. And ye ſhall vnderſtand, that there be two maner of herriottes, that is to wytte, herryotte ſeruice, and herriot cuſtome. Herryotte ſeruice, is where a man hath gyuen landes and tenementes to

a nother

a nother man and to his heyres, to holde of hym and of his heyres, as before the makyng of the statute, Quia emptores terrarum, or sythe the makinge of the said statute, to holde of the chiefe lorde of the fee, by the seruyce therof due & of ryght accustomed, reseruynge to hym certayne rentes, herryottes, or any other customes: This is rent seruyce and herryot seruyce, bycause it is expressed in his originall dede. Herriot custome, is where a man hath a lordshyp, wherin hath ben vsed tyme out of mynde, that euery tenaunt, that holdeth any mese place of the lorde, shall gyue his best quycke good in the name of a herryot to the lorde, & he that hath no quycke good, shal giue his beste deed good. And in some place the tenaunt shall gyue for euery mese place that he holdeth a herryotte, though the houses were lette downe an hundred yere before, the which me semeth shuld be a great bribery & extorciõ, as I sayde in the prologue of this treatyse. And therfore, it is wisdome for euery man to take his house by indẽture or by copie, wherin may be expressed, what rentes, herryottes, customes, and seruyces the tenaunt shall pay and do, for a lorde maye abridge & make lesse his custome by wryting, but though he make wryting, and specifye what rent he shall pay, he must say further, for all maner rentes, herryottes, customes, and seruyces. And in some lordeshyp, euery man that dyeth within the same, be he the lordes tenaunt or nat, shal pay an herryotte. In so moche that if a straunge

man ryde or go by the waye, and dye within ſuche a lordſhyppe, he ſhal pay an herryot, the whiche is playne extorcyon and agaynſt the cõmen ryght. For betwene the lorde and hym that dyed was no maner of priuytie of bargayne or couenant. And in ſome lordſhyppe, the lorde ſhall take his herryotte before the perſon or the bycare his mortuary, & in ſome places the churche before. And that is, as it hath ben accuſtomed and vſed tyme out of minde. But for the moſt parte the lorde taketh before, bycauſe the lorde maketh couenaunt with his tenaunt in his life, that he ſhal haue his beſt quycke good at his deceſſe, and the mortuary is nat due tyll he be deed, and the herryotte was couenaunted and graunted before in his lyfe, and the firſt bargayne muſt be obſerued and kept. And alſo in ſome places it is parted betwene the churche & the lorde, & that is, where he that is deed hath no more quicke good, but one horſe or one beeſt, and than he that hathe be vſed to thoſe firſt, ſhall haue the better parte by one peny, but of deed good, eyther party ſhall haue one. But there ſhall nouther of them take any deed good, as longe as there is any quicke goodes. and in many lordſhyppes it is vſed, that and the tenaunt leaue his houſe by his owne wyl, without any diſcharge of the lorde, the tenaunt ſhal pay his beſt quicke good to the lorde in the name of an herryot. & in ſome lordſhyppes it is accuſtomed, that if the tenant departe fro the lordſhyppe by his owne wyl, he ſhall make

make a fyne with the lord for his departing, and moſt cõmonly it is. ii.s. and it is called a farefre or a farewell. And ſuche a tenant that gothe at his owne wyll, ſhall make all maner of reparacions, and that tenaunt that is diſcharged by the lorde or by his offycers, ſhall make no reparations, except he be diſcharged for not doing reparations. ꝛc.

¶ How many cuſtomary tenantes there be, and howe moche landes euery of theym holdeth, and what worꝛkes and cuſtoms they do, and what the warkes & the cuſtomes of euery tenant is worth by the yere, and how moche euery of them payeth, ouer the cuſtomes and warkes. ꝛc. Cap. xiii.

¶ ITEM inquirend. eſt de cuſtomariis videlicet quot ſunt cuſtomarii, et quant terre quilibet cuſtomarius teneat, quas operationes, et quas conſuetudines facit, et quantum valent opera et conſuetudines cuiuſlibet cuſtomarii per ſe per annum, et quantum redditũ de reddituꝫ aſsiſe per annũ preter opa et cõſuetudines, & qui poſſunt talliari ad volũtatẽ dñi, et q nõ.

It is to be inquered of cuſtomary tenãtes, that is to wytte, howe many there be, & how moch land euery tenaunt holdeth, and what werkes & cuſtoms he doth, & what the werkes & cuſtomes be worth of euery tenãt by it ſelf, and howe moche rent by the yere, aboue his werkes & cuſtoms, he doth pay, & which of the may taxe their landes at the wyll of the lord.

Customary tenātis.

and whiche nat. Customarye tenauntes are those that holde theyr landes of their lord by coppye of courte role, after the custome of the manour. And there may be many tenauntes within the same maner, that haue no copies, and yet holde by lyke custome and seruyce at the wyll of the lorde. And in myne opinion it began sone after the conquest, whan william conquerour had conquered the realme, he rewarded all those that came with hym in his viage royall, accordyng to their degree. And to honorable men he gaue lordeshyppes, maners, landes, and tenementes, with all the inhabytantes, men and women dwellynge in the same, to do with them at theyr pleasure. And those honorable men thought, that they must nedes haue seruantes and tenantis, and theyr landes occuppyed with tyllage. wherefore they pardoned the inhabytantes of their lyues, and caused them to do al maner of seruyce, that was to be done, were it neuer so vyle, and caused them to occupie their landes & tenementes in tyllage, & toke of them suche rentes customes & seruices, as it pleased them to haue. And also toke all their goodes & catell at all tymes at their plesure, & called them their bondmen & sythe that tyme many noble men both spirituall and tẽporall, of their godly dispolition, haue made to diuers of the said bondmẽ manumissiõs, & granted them fredom and libertie, & set to them their lãdes & tenemẽtes to occupy, after dyuers maner of rentes, customes, and seruyces, the whiche is vsed in

dyuers

dyuers places vnto this day. Howe be it in some places the bondemen contynue as yet, the whiche me semeth is the greatest inconuenience that now is suffred by the lawe, That is, to haue any chriſten man boũden to an other, and to haue the rule of his body, landes, and goodes, that his wyfe, chyldren, and seruantes haue laboured for, all their lyfe tyme, to be so taken, lyke as and it were extorcion or bribery. And many tymes by colour therof there be many freemen taken as bondemen, and their landes and goodes taken fro them, so that they shall nat be able to sue for remedy, to proue them selfe fre of blode. And that is moste commonly where the free men haue the same name as the bondmen haue, or that his auncesters, of whome he is comen, was manumyſed before his byrthe. In suche case there can nat be to great a punyſhment. For as me semeth, there shulde no man be bounde but to god, and to his kynge and prince ouer hym: Quia deus non facit exceptionem personarum, For god maketh no exceptiõ of any person. wherfore it were a charitable dede to euery noble man both spirituall and temporall, to do as they wolde be done by, and that is to manumise them that be bond, & to make them fre of body and blode, reseruing to thẽ their rentes, customes, and seruyces of olde tyme due & accustomed, wherin they may get the prayers of the partie, and remyſſion of their offences, as in the gospell: Eadem mẽsura, qua metimini fueritis, metietur vobis.

Of bondemen.

Roman.2. Ephe.6. Galat.2. Coloſſ.3. Act.10. 1.Pet.1. Iacobi.2.

Luc.6.

The same measure that ye do mete to other men, shall be metten to you. In many lordeshyppes there is a customary roole bytwene the lorde and his tenauntes, and it ought to be indented, one parte to remayne in the lordes keppynge, the other parte with the tenantes, and dyuers trewe coppes to be made of the same, that the rentes and customes ronne nat out of remembraunce. And also a suyte rolle, to call al those by name, that oweth any suyte to the lordes court, and than shall there be no concelemente of the sutoures, but that the stewarde may knowe, who is nat there, and if any sutoure decesse, the name of his next heire wold be entred in to the same rolle, and an enquery made and presented, what he helde of the lorde, and by what rentes, customes, and seruyce of euery parcell by it selfe, & who is his next heyre, and of what age he is of, and this truely done and entred in to the role, it wolde be a conueyaunce of discent in maner of a petie degre, and profytable to the lordes, and also to the tenantes, causa patet. The name of euery tenaunte muste be put in the roll, and his mese place to be butted and bounded, as it lyeth in length and brede, and bytwene whome, And also his landes, medowes, leys, and pastures lykewyse butted & bounded, that it may be knowen many yeres after, who dwelled there: and what landes, medowes, & pastures lay to the same at that tyme. And what warkes and customes the tenaunt dothe for euery parcell, and what the warkes

warkes and customes be worth in a yere, and howe moche rente the tenaunte dothe paye for euery parcelle, beside the customes and warkes, to the entent, that if any parcell of laude, medowe, or pasture be alyened, solde, or chaunged, or put fromie one tenaunt to an other, The lorde and his baylye may know what rentes, customes, and werkes, he shall aske and haue of the occupier for euery parcell. And it is the most speciall poynt that lõgeth to a surueyor, to butte and bounde truly euery parcell by it selfe, and to know what rentes, werkes, customes, and seruyces goth out of the same, for than may he make a true rentall or customary rolle, and put all thynges in a certentie.

Of cotiers what cotages and curtylages they holde, and by what seruyce, and howe moche rent they pay by the yere. &c. Cap. xiiii.

ITEM inquirendũ est, de cotagellis, quę cotagia & curtilagia teneant, et per quod seruic et quantum reddant per annum, pro prędict cotagiis & curtilagiis.

Also it is to be inquered of Cotagers, what cotages and curtylages they holde, and by what seruice: and what they yeld by the yere, for the forsaid cotages and curtilages. This chap. & the next prędict, be both of one effect, but that it is to presume, that there is nat so moch rẽtes, herriotes, customes, & seruices to be payde and doone for a cotage, as there is

for a mese place or a better tenemente, but it maye be lyke custome and seruyce.

¶Of perquesytes or profytes of counties, of courtes, and of forestes, what they be worthe by the yere. &c. Cap. xv.

¶ITEM inquirendū est de perquisitis comitatuum, cur. forestariorum, cum expeditamentis canum, & quantum valent per annū in omnibus exitibus.

Expeditation. Also it is to be inquered, of the perquesites and profites of the counties, of the courtes, & of the forestes, with the cuttynge of the dogges cleyse, and howe moche they be worth by the yere in all the issues and profyttes. This chappter towcheth nat the office of a Surueyour but lyttell, for the issues and profytes of the counties, sessions, and assises, are most commonly the kynges, and they be kept and ordeyned by the sheriffe and the Justices of peace, that be ordeyned and put in commyssion by the kynge and his counsayle, and the issues and profytes of them are extreted by the sayde iustices, and retourned into the kynges escheker, & there they rest of recorde, the whiche afterwarde is extreyted agayne, & send downe to the sheriffes of euery countie, to leuy and gather vp the same, & therof to make an accompt in the sayd escheker, and it is called Greene ware. And the courtes of the forestes be ordeyned and kept by the iustices of the forestes and theyr vyntes, and the

Grene waxe.

issues

tſſues and profytes therof, the which cometh moſt cõmonly by fynes and mercimentes, are nat extreted into the eſcheker, but made oute by the ſtewarde to the baylyes and other officers of them that oweth the foreſt. And there me ſemeth the Surueyour may ſyt with the iuſtices of the foreſtis for one thing ſpecially, and that is this, that no townſhyppe nor hamell enter cõmen within the foreſtes, chaſes, waſtes, hethes, moores, and ſuch other great commens, but all onely ſuche, that of ryghte ought to haue cõmen within the ſame. wherfore it woulde be ordeyned, that euery townes ſhyppe and hamell, that oughte to haue any ſuch commen in any foreſtes, chaſes, waſtes, moores, heythes, and ſuche other great commens, where dyuers townefhippes and hamels entercommen togyther, euerye townes ſhyppe and hamell oughte to haue a dyuers brennynge yron, and euerye beaſte, horſe, mare, and colte, that is put vpon the cõmen, ought to be brenned in ſome part of his body with the ſayd yron, and than ſhal euery beeſt be knowen, of what townſhyppe he is. And that were a great redynes to the keepers, and alſo a greatte ſauegarde for ſtealynge of the cattell. And than may the keepers, regarders, goyſters, and other offycers of ſuche foreſtes and chaſes, haue perfyte knowledge, what townefhyppe the cattell is of. And yf any of theſe ſayd offycers fynd any maner of cattel, hauyng no ſuche brennyng, they may attache them, and ſeiſe them as ſtrays, and put them

in sauegarde to the lordes vse, tyll they be yered and dyed. And they ought to ac he therm thre sondayes in thre or foure nexte parysshe churches, & also cry thē thre tymes in thre the next market townes. And if no mā com with in the yere and the day, and to make sufficiēt proffe that the cattell is his, than it is forfayt to the lorde as a strey, and in lyke maner the swyne and shepe of euery townshyp and hamell, ought to be pyched with the said brennynge yron, or suche an other lyke the same, but as for all other pointes and articles touchynge the forestes, the Surueyour hath lyttell to do. wherfore I remyt all other articles to the iustyces of the forestes & to their deputes to execute their office, & ye shal know that no man shall haue a forest of tyght but the kyng, excepte he or his ancestors haue had a speciall grant therof by charter of the kyng & his progenytours in tymes past, & so vsed. &c.

¶ Of churches that belonge to the gyfte of the lorde, howe many there be, and where they be, and what euery churche is worthe. &c. Cap. xvi.

¶ ITEM inquirend. est de ecclesiis que pertinent ad donationē domini, quot sunt, et vbi et quantum valent, et quantum quelibet ecclesia valet per se per annum, secundum veram estimationem illius. It is to be enquered of all the churches that belonge to the lordes gyfte, howe many there be, and where they be

be, and what they be worth, and what euery churche is worthe by it selfe by the yere after the true estimation of the same. The letter of this chapiter is very playne, and nedeth nat moche declaration further than is spoken of, but alonely in one thynge, and that is this, oft tymes he that hath righte to present to a church at one tyme, hath not right to present to the sayd church at the next tyme. And that is where any sole patrone of a churche hath issue, two, three or foure doughters, and deceaseth, so that the ryght of patronage of the sayd church discendeth to al the sayd doughters. whan the churche is voyd, they shall present by turne, the eldest doughter firste: than the seconde at the next auoydaunce, than the third, & so forth, tyll they haue presented ones ouer, and than to begyn ageyne at the eldest doughter, except they make any other partition amonge them selfe by agrement. And thā must euery one of them p̄sent by their turne, accordynge to their partition, as it commeth about. And so must the Surueyour make his boke, accordyng to the right of the presentation, as euery tyme, second tyme, third tyme, or fourth tyme, & so forthe. Also what lordes or gentylmen haue their turneys with theym in the same benefyce, and which of them presented last, and who shal haue next, and who than, tyll they haue gone about, and in what towne it is, and in what shyre and diocesse it is, and what euery benefyce is worthe by it selfe by the yere, as it can be estimate.

what

¶ what the heryottes be worthe, the fayres, exchetes, customes, seruyces, and forreyne warkes: the plees & perquesites of the courtes, fynes, reletes, and all other thinges that may falle to the lorde by the yere.

Cap. xvii.

¶ ITEM inquirend. est, quantum valent herriotta, nundine, escaeta, consuetudines, seruic. et operationes forinsice, et quantum valent placita et perquesita, fines et releuia, & omnia alia quę accidere possunt per annum in omnibus.

¶ It is to be inquered, what is the value of herriottes, fayres, exchetes, customes, seruyces, and forreyn warkes, and what the plees be worthe, and the perquesites or profites of the courtes, fynes, relifes, and all other thingis that may fal by the yere in al. This chapt gothe in generalitie, and is lyke, as whan an auditor hathe caste all the mynister and partycular accomptes of euery bayly or reue and other accomptance, and hathe made his boke perfite of all the particular, wherupon the holle charge resteth: Than whan the lorde wolde know what thextent is of all his hole landes, and also of euery partycular parcell by it selfe, it were to longe a processe to shewe hym all the sayd mynister and particular accomptes, and thoughe he dyd, he shoulde nat know the grosse sommes of his rētes, fynes, herriottes, exchetes, perquesytes, and suche

other,

other, euery of them by him self. wherfore he wyl cause his auditor to make a value in maner of a bzedgement of all the sayd mynystre accomptes, and first to know the hole charge of al the particulers, what they be at the first syght, in the sommes totall. Than to deuyde the sommes totall in dyuers percels, as the chefe rentes of the freholders by them seike, the rentes of customary tenauntes by them seike, tenauntes by indenture, or tenauntes at the lordes wyl by them seike, so that he may make a grose somme of euery maner of rent, so that one rēt may be knowē from another. But than must the audytour haue good and parfyte informacyon, or els he can nat do it, and that informacion must come by the surueyour and the baylyes, for they ought to knowe one maner of rent from another, and therfore theyr rentalles wolde be made accordynge. also the perquesites of the courtes by them seike. And those must be in lyke maner deuyded, as the plees by them seike, the mercymentes for commen trespace by them seike, fines by them seike, herriottes by them seike, exchetis by them seik, and so of reliefes, feires, marketes, and all other casualties, euery of them by them seike, and ought to be presented in the courte by them seike. And therof to be made an estreyt to the bayly or reue to gather by, and brought in to the accompt to the audytour, the whiche he may deuyde in makyng of his value, if the accomptaunte bringe hym parfyte rentals and courte rolles, and nat els.

But

But if they do not at the fyrst tyme, he must teche & enfoyme them howe they shulde make them perfyte. Also customes, seruices, & warkes be oft tyme doone by bodily seruyce and warkes, and than they be not to be accõpted for, but yet mencion wold be made in the accompte therof. And many tymes such maner of customes, seruices, and warkes be turned into money: And than it cõmonly goth with the rẽtes, & the bayly or reue is charged therwith. And this chapiter reherced further. Et omnia alia quę accidere possit per annũ in omnibus. And of all other thynges, that may fal to the lorde, what they be worth by the yere. And those may be taken as mynes of tynne, lead, ore, cole, yron, stone, freestone, mylne stones, grynded stones, lyme stones, chalke, fullers erthe, sande, cley, grauel, brome, gorse, or fyrs, marle, turues, thornes, wodde, bushes, heythe, ferne, or braken, and suche other, if there be any newe founde, and ought to be put in a rentall to a certentie, or els to be put in an accompte by waye of approwement. And than thaudytour may deuide the casualties from the certeynties, and to make a grosse somme of them all. And yet may the value of euery thyng appere and be knowen howe moche it is by it selfe. And than muste there be deduct out of the sayd grosse somme al maner of out rẽtes and ordinary charges, as baylyes fees, reparation, and suche other, and than to make a clere grose some of euery yere by hym selfe. And bycause olde tymes

more

moze casualties fall oz come to the lozd moze in one yere than in an nother, therfoze it is conuenient, that the clere grosse sommes of fiue oz syxe yeres, oz mo, wold be caste togyther in one grosse some, & to deuide that some in as many partes as there was yeres cast to gither, and than the clere value of oone yere wyl be commonly about that somme so deuided. And thus endeth the brefe declaration of this statute. Extenta manerii.

¶ Explicit.

¶ Of dyuers maners of takyng and doynge of homage and fealtie. Capit. xviii.

IN so moch I haue shewed diuers diuersities of tenures, & also dyuers maners of makig of copies, and the othes of the officers of the courte, though they be nat expressed in the statute, me semeth also it were conuenient, to shew the diuersities and maner of takynge and doinge of homage and fealtie. And ye shall vnderstande, that homage is the most honozable seruice, and the most humble seruyce of reuerence, that a freman may do to his lozd. For whā the tenant shall do homage to his cheke lozd, of whom he holdeth his cheef maner oz mancion place, by knighte seruyce, and

and priorite, he shalbe vngyrde, and his heed vncouered, and the lorde shall sytte, and the tenaunte shall knele before him on bothe his knees, and shall holde his handes stretched out together bytwene the lordes handes, and shall say thus: I become your man from this day forwarde, of lyfe and of membre, and of worldely honoure. And to you shalbe faythfull and lowly, and shall beare faythe to you, for the landes and tenementes, the whyche I holde of you, sauynge the fayth that I owe to our soueraigne lorde the kinge, & my other lordes. And the lorde so syttynge shall kysse his tenaunt, the whiche is a signe of perfyte loue. And why saythe the tenaunt, of life and of membre, and of all worldely honor: Bycause he holdeth his landes of his lorde by knyght seruyce, and also by priorite, for and he holde other landes of an other lorde by knyght seruyce and posteriorite, he shall nat say to him of lyfe and of membre, for though he be bonde to him by reason of his tenures of knight seruyce, to go to batayle with his lorde, and to put his lyfe and members in ieopardye with his lorde, yet can he nat go with them bothe. And therfore shall he go to bataile with that lorde that he holdeth his lãdes of by priorite. And bycause therof, if any suche tenant dye, his heyre beyng within age, the lorde shall haue the kepynge of his body, and the profite of those landes that be holdẽ of hym, duringe the nonage, and also the mariage of him, wherfore it is to be presupposed

that

that the lorde wyll be more louyng and kynd to hym, than any other of his frendes wolde be. Seing than whan he cometh to full age, he shall put his lyfe in ieoperdy for his lorde, the which byndeth the lorde by reason the rather to doo for hym, whan he is nat able to helpe him self. where as his frendes may fortune, cared not for hym, and had leauer an other had the lande than he.

¶ And if an abbot or a pryour, or any other man or woman of religion shuld do homage, they shall say, I become your man. &c. bicause they be alonly professed to god, to be his men and women, and to none other. And therfore they shall knele and hold their handes as the other dyd, and say thus, I do to you homage and to you shalbe faithful and lowly, for the landes and tenementes, the whych I hold of you, sauyng the faythe that I owe to our soueraygne lorde the kynge. &c.

¶ And if a woman sole shulde doo homage, she shall nat say, I become your woman: for it is nat conuenient, that a woman shuld become woman to an nother man, than to her husbande, whan she is maried. And therfore she shall saye as the religyous men & women do: I do to you homage. &c.

¶ And if a womā couert with baron shal do homage, they shal knele before the lord both, & the lord shal take both their hādes betwene his handes, and the husbande shall speake all the wordes, as thus, we do to you homage, and sayth to you we shall beare for the lādes

that we holde of you, sauynge the faith that we owe to our soueraryne lord the kyng, his heires, and to our other lordes, and they both shall kysse the lorde.&c.

¶ And in case a man shuld do homage to his lorde, and the lorde graunte his homage and seruyce to an other man. Now shal the tenãt doo his homage and seruice to the grauntee, after this maner: I become your manne fro this day forthe, and to you shall be faithfull and lowely, for the landes and tenementes that I holde of A. B. your grauntour, in the townes of C. D. the whiche to you he hathe graunted my homage and seruyce in the sayd townes, sauynge the faythe that I owe to our soueraryne lorde the kynge, and my other lordes.&c.

¶ And knowe you, that one lorde may haue done to hym diuers homages of dyuers tenãtes for one maner of lande. But one tenãt shall doo but ones homage for one maner of lande, for thoughe the lorde dye, his heire or his assigne, if he sell it or grant it away, they do represent the lordes estate. But and the tenaunt haue done his homage to his lorde, and after the maner, wherof the tenaunt holdeth his landes is recouered agaynste the lorde. Nowe shall the tenant do his homage ageyn to hym that recouered the maner, for he commeth not in by the lorde, but by force of the recouere, the which proueth the first homage to be voyde, for it was done to hym that had no right to take it, &c.

Also

¶ Also ye shall knowe, that a man maye distrayne his tenauntes cattell for homage by course of the comon lawe, and also for relefe. And though a man haue payde his relefe, yet he shall do homage and feaultie. Also ye shall vnderstande, that no man shall do homage, but he that hath a state of inherytance in fee symple or in fee tayle, in his owne right or in his wyues, for tenantes, for terme of life, tenantes by the curtesy, nor tenant in dower, shal do no homage, nor take no homage. &c.

¶ And if a man holde landes of the kyng in chiefe, and haue issue thre or foure doughters and dye, al the doughters shall do homage to the kynge. And if the landes be holden of an other lord, the eldest doughter shal do homage for all, and also the seruyces, and the other doughters shalbe contributories, & beare euery one of them their porcion of the same.

¶ And whan a free man shall do feaultie to his lorde, he shal lay his hand vpon the boke, and shall say thus, here you my lorde that I, w. D. de E. fro this day forth, to you shalbe faythfull and lowly, & faith to you shal beare for the landes and tenementes that I claime to holde of you, and loyally shall do and pay the rentes, customes, & seruices, that I ought to do at the termes assigned, as god me helpe and al sayntes, and than kysse the boke.

¶ whan a vyllayn shall do fealtie to his lord, he shall lay his hande vpon the boke and say thus. Here you my lord R. that I, w. de L. fro this day forth to you shalbe faithful & lowly.

and to you shal do al tho customes and seruices, that I ought to do to you, for the landes that I hold of you in vyllennage, and I shal be iustifiable of body and of goodes, as god me helpe and his sayntes, and than kysse. &c.
¶ whan a vilayne that holdeth no landes of the lorde shall do fealtie, he shall lay his hand vpon the boke, & say thus. Here you my lorde S. that I. w. B. fro this daye forthe, to you shalbe faithfull and lowly, and I shall be iustifyable to you of bodye and of goodes, as god me helpe and his sayntes, and kysse the boke. &c.

¶ what a Surueyour shuld do.
Capitulo. xix.

NOwe this statute is brefely declared, it wolde be vnderstand, how a lordshyp or a maner shuld be surueyed & vewed, butted & bounded on euery parte, that it may be knowen for euer, whose euery parcel therof was, at the makyng of this boke, & it may serue as well to saue the inheritaunce of the lordes, as of euery freholder by charter, coppye holder, and customary holder, & to know euery mans land, as it lyeth to his house one from an other, so that it maye be knowen an hundred yeres after, & for euer, what maner of landes, and how many acres euery mā had to his howse at that time, and where they ly. The name of a Surueiour is a frenche name, and is as moche to saye in Englysshe, as an ouer

ouerseer. Than it wolde be knowen, howe a surueyour shuld ouerse or survey a towne or a lordshyp. As yf the citie of London shulde be surueyed, the surueyour maye nat stande at Hygate, nor at Shoters hylle, nor yet at the Blackeheth, nor suche other places, and ouerloke the citie on euery syde. For if he do, he shall nat see the goodly stretes, the fayre buyldynges, nor the greate substance of ryches conteyned in them, for than he may be called a discepuer, and not a surueyour: And in lykewyse yf a man shall viewe a close or a pasture, he may not loke ouer the hedge, and go his way, but he must outher ryde or goo ouer, and se euery parcell therof, & to knowe howe many acres it conteyneth, and howe moche therof was medowe grounde, howe moche pasture grounde, howe moche wodde grounde, or bushe grounde, heythe, lynge, or suche other, and what an acre of medowe grounde is worth, & what an acre of pasture, & what an acre of the wod ground or bushe, and suche other be worthe. And what maner of cattell it is best for, and howe many cattel it wyll grasse or fynde by the yere, and what a beastes grasse is worthe by the yere in suche a pasture, or elles he can nat set a true value what it is worthe. And therfore a surueyour must be dilygent and labourous, and nat slouthfull and recheles, for and he be, he is nat worthy to haue his fee or wages, & maye fortune to make an vnperfite boke. And if he so do, it is to his shame and rebuke, and great

icopardye to his soule to make a false presy-
dent. wherfore it is conuenyent to remembre
the sayenge of the wyse philosopher. Adhibe
curam, that is to say, take hede to thy charge,
and so if he shulde vieu a citie or a towne, he
must begyn at a certayne place, as yf it were
at the drawe bridge of London bridge on the
Eest syde, and there to make his tytelynge
where he begynneth, & to shewe who is lorde
of the house nexte vnto the sayd bridge, and
who is tenaunt. And if he be a freeholder,
what chefe rente he payeth to the lorde, cu-
stomes or other seruices. And if it be no free
holde, than the rent nedeth nat to be spoken
of but at his pleasure, for it may ryse and fal.
And how many fote in brede and how many
in length. Than to the seconde howse on the
same Eest syde in lyke maner, and so to per-
vse from house to house, tyll he come to saint
Magnus churche. And than returne agayne
to the sayde drawe brydge on the west syde, &
ther begin at the hous next to the said bridge,
and so to peruse from house to house, tyl he
come to the corner nexte Temmes strete, and
than he may chose whether he wyll folowe
the south side of the said Temmes strete, west
warde and Eestwarde, tyll he haue pervsed
the hole parissche. And if ther be any maner of
gardens entrees or aleys, or other dwellynge
places within forthe, they may nat be ouer-
skipped, forgoten, nor laft out, but taken by
the way: Howe moche euery garden is, how
longe euery aley and entre is, and how many
dwel-

dwelling placis be therin, and whose they be, and howe many cellars or tauernes there be, and howe many footes euery one of them be in length & brede. And so to go from parisshe, to parisshe, tyll he haue viewed the cytie, and euerye strete and lane wolde be remembred, what length and brede they be of. And also, euery church and churche yard, & other voyde places, the whiche wolde aske a great leysar, but yet it is possyble to be done.

¶ How a man shuld view, but, and bounde, the maner and the townesshyp. Cap. xx.

¶ The towne of Dale.

¶ The vieu of the maner of Dale taken the tenth day of May the. xiiii. yere of the raygne of kynge Henry the. viii. by A. B. generalle Surueyour to the right honorable lorde. C. D. lorde of the same, and by his commaundemēt, and also by the othes of E. F. G. H. and many other tenantes of the same, as herafter ensueth.

¶ The cytie of the maner of Dale standeth & lyeth bytwene the kynges hye way leadynge from the towne of A. vnto the town of B. on the south part, & the church yarde of the same towne of Dale on the Eest syde, & the cōmen felde of the same towne called the north felde on the north parte. And the tenēt or mese place of Johñ Coke on the west part, & conteyneth xxx. perches in brede & xxx. yches & four fote in length, euery perche. xvi. fote & a halfe. wherupō is set the maner place sufficiētly buylded

with two croſſe chambers of ſtone, of bryche, or tymber: with all maner howſes of offyce within forth, & two barnes, and an ore hous, a heyhowſe & a ſtable, a garden & an orchard. And if it be moted about, expreſſe howe moch houſyng ſtandeth within the mote, and how moche without, and with what maner of couerynge the houſes be couered. The whiche maner with the demayns, landes, medowes, leyſe, and paſtures be nowe in the holding & occupation of T. H. and payeth by the yere, at four termes or two tymes there vſed. &c. by euen porcions. vi. li. xiii. s. iiii. d.

¶ The ſyte of the perſonage ſtandeth & lieth betwene the ſayd hye way on the ſouth part, and the ſayd churche on the weſte parte, and the ſayde northe feide on the northe part, and the tenementes of J. L. on the Eaſte parte. And the ſayd perſon hath a croſte lyenge betwene the ſayd northfeld and the ſaid church yarde on the ſouthe parte. And the ſayde ſyte and croſte conteyneth tenne perches on the ſouthe ſyde, and. xiiii. perches on the northe ſyde, and. xxx. perches in lengthe on the eaſte ſyde, and. xvi. perches and a halfe on the weſt ſyde. And the mancyon place, and the houſes therunto belongynge, be nowe ruynous, and one ſir H. B. is now perſon there, and hadde it of the gyfte of the lorde, to whom the gift belongeth euery thirde tyme, and to J. F. the next tyme, and L. D. the thirde turne, and ſo as ofte as it falleth. And the ſayd H. B. occupieth the ſayd perſonage hym ſelfe, with all

the

the glebe landes, medowes, tythes, and all o-
ther fruites, and is worthe by the yere. xx. li.
And in ythe maner of a vycarage, and than
muste ye shewe who is persone, the whiche
moost commenly is a spirituall man.

¶ I. B. holdeth a mese place freely of the lord
by charter, with diuers lãdes, medowes, and
pastures belongynge to the same. The whi-
che mese place lyeth bytwene the sayde hye
way, and the sayde northe felde, as is befores-
sayd, and the said personage on the westsyde,
and the tenemẽt or mese place of F. G. on the
Eest parte, and conteyneth. xii. perches on the
southe ende in brede, and. xxii. perches & foure
fote in lengthe, and. xvi. perches in brede on
the northe ende, and he holdeth the sayd mese,
withall that longeth therto, of the sayd lorde
by homage, fealte, and. ii. s. by the yere, and
halfe a pounde of peper, & sutes of court from
thre wekes to thre wekes, & to the two great
letes. And this he maye expresse the seruyce of
the rent, if he may haue perfyte knowlege by
the lordes precedens, or by original dedes.

¶ F. G. holdeth a mese place with the appur-
tenaunce of the sayde lorde at his wyll, or by
indenture or coppe, and it lyeth betwene the
sayde hye way, and the northe felde, and the
forsayd mese place of I. C. on the westsyde, &
the felde called Eest felde on the Eest side con-
teyneth. xi. perches and fyue fote in brede, and
xviii. perches & ten fote in length, And paieth
vnto the lorde at the termes there vsuels.
xvi. s. sute of court, two hennes, and an hee-

riot at his decesse. &c.

¶ G. H. holdeth a cotage of the lorde by copy & standeth bitwene the sayd hyway on the northe syde, and the townefelde callyd the southefelde on the southe parte, and the sayd Eestfelde on the Eest syde, and a mese place of the priour of B. on the west syde, and it cōteyneth by the hy way six perches, and at the southe end seuen perches and eyght fote, and on eyther syde. xii. perches, and payeth by the yere at the sayd termes twenty pens suite of courte and one henne.

¶ The priour and the courut of B. holdeth a mese place and a croft with the appurtenāce of the lorde freely in pure almes, and it lyeth betwene the sayd cotage in the holdyng of G. H. on the Easte syde, and a mese place of the lordes, in the holdyng of T. S. on the west, and butteth vppon the sayd hye waye on the sayde southe felde, and conteyneth in bredthe by the sayde hye waye syxtene perches, and in lengthe twentye perches, and at the south ende twelue perches in bredth, and payeth to the lorde halfe a pound of pepper for all maner of seruyce. &c.

¶ T. S. holdeth a mese place of the lorde by indenture, and it lieth betwene the sayd tenement of the priours on the East syde, and an other hye way that ledeth or goth fro the forsaid church or ꝑsonage, vnto the town of S. on the weste syde, and betwene the foresayde hye way on the north syde, and the tenement of the lordes in the holdynge of H. L. on the

southe

Southe syde, and it conteyneth tenne perches euerye waye, and payeth by the yere. xc. suyte of courte and herrypotte. Also the sayd T. S. holdeth of the lorde an horse myne, nexte adioynynge to his sayde mese, and the tenement of H. L. and is conteyned bothe in length and brede within the sayd. x. perches: wherof the lorde shal kynde al the great tymber, and brynge it to the myne, and the mylner shall make all the coste, both of the hous and the goinge geyre. And also he shall bothe thacke and daube at his owne coste & charge, and payeth for the same at the sayde termes syx shillinges, two hennes at Christmas, and two capons at Paschc.

¶ H. L. holdeth a tenement of the lorde, and it lyeth betwene the sayd horse myne on the northe syde, and the sayde south felde on the south syde, and butteth vpon the said hy way that leadeth to S. on the west, and the crofts of the sayd priours on the East, and conteyneth. xii. perches and. x. fote in brede by the hy way, and. ix. perches in lēgth to the said croft and payeth at the termes aforesayd. x. s. two hennes at Christmas, and suyte. xc.

¶ P. Q. holdeth a cotage of the lorde at his wyl, and it lyeth betwene the sayde way that leadeth to S. on the East syde, and a croft of R. F. on the west syde, and a felde called south felde on the southe syde, and the tenement of R. F. of the north, and it conteyneth in brede by the hie way four perches, and in length six perches and a halfe, and payeth. xc.

R. F.

¶ R. L. holdeth a tenement and a crofte called the Swan, frely by charter, and they lye vppon the corner bytwene the sayde two hye waies, on the northe and Eest, and a tenemēt of the lordes, in the holdynge of W. C. and a medowe called west medowe on the west syde, and a cotage in the holdynge of P. Q. and southe felde on the southe syde. And it conteineth in it selfe. viii. perches square, and the crofte conteyneth. xii. perches in length and sixe in brede, wherin be fyue buttes, of the which one butte is the sayd priour of B. that is to say, next vnto the hedge on the westsyde, except one, and he holdeth the saide tenement of the lorde by homage, feaultie, and a sperhauke for all maner of seruyce.

¶ W. C. holdeth a tenement of the lorde, lyenge bytwene the sayde tenement of R. L. on the Eestsyde, and the medowe called the west medowe on the weste and Southe, and the sayd way that leadeth from A. vnto. B. on the north syde, and conteyneth. xiiii. perches in brede, & xvii. in lengthe, and payeth. &c. suyte of courte and herryot. &c.

¶ J. C. holdeth a tenement of the lorde, and it lyeth bytwene the sayde maner place on the Eest syde, and the west medowe on the west syde, and the northe felde on the northe syde, and the sayd way that leadeth from A. to B. on the southe syde, and conteyneth by the way seuyn perches, and in length. x. perches, & payeth at the termes accustomed. xii. s. vi. d. two hennes at Christmas, suyte of courte, & herri-

herryot at his deceſſe.&c.

¶ The that ſhal view, butte, and bounde landes or tenementes, by Eeſt weſt Northe and Southe, it is neceſſary that he haue a Dyall with hym, for els and the ſonne ſhyne nat, he ſhal nat haue perfit knowlege, which is Eeſt weſt Northe and Southe. For many tymes the landes or medwes do nat lye alway euyn Eeſt or weſt northe or ſouthe, but ſometyme more of one part than of an other, As South Eeſt or ſouth weſt, north Eeſt or north weſt, and ſome two partes of the one, and but the thyrde part of the other, as north north Eeſt, north northe weſt, Eeſt north Eeſt, and Eeſt ſouthe Eeſt, ſouthe ſouthe Eeſt, and ſouthe ſouthe weſt, and weſt ſouthe weſt, and weſt northe weſt. But it nedeth nat to a ſurueiour to take ſo narowe a diuerſitie, but to butte it vpon the moſt parte as it lieth, and than muſt the diall gyue him perfyte knowlege howe it lyeth, and ſo muſte he tytle it in his boke, as ſhal appere here after, & he muſt ſtande in the myddis of the flat, whan he ſhal butte truly.

¶ How a man ſhulde butte and bounde the fyldes. Cap. xxi.

¶ The north felde vpon Dale furlonge.

¶ The northe felde lyeth on the northe ſyde of the towne, and begynneth at the croſſe at a furlonge called Dale furlonge, the whiche furlonge contrineth. xxx. landes and two heed landes, and they butte on northe and ſouthe wherof the ſouthe endes butte vpon the hall

orchardo

orchardes, and vpon the croft of J.C. and the north endes but vpon Rye hyl. Thā to begin on the East syde next to the hye way that ledeth to A. the persone hathe two landes, the lorde thre landes J.B. one lande, F.G. two landes, the lord foure landes, the priour two landes, the person one lande, R.X. two landes, W.C. one lande, H.L. one lande. T.S. two landes, the priour thre landes, the lorde two landes, G.H. one lande, the person one lande the lorde two landes nexte to the weste syde, and the heed lande nexte to the hall orchardе and the other heed land is the persons next rye hyll. and if the husbandes haue perfyte knowledge whiche is a rodde and which is an halfe acre, than it were better to say the lorde hath an acre, conteynynge thre landes are made in foure or fyue landes, and J.C. halfe an acre made in two, & T.S. a rodde in one lande, and if it be lasse than a rodde, thā cal it a butte. How be it a mā may perceiue & knowe if any man make two landes of one land, or of one land make two landes bicause of the certayne nomber of euery flatte.

¶ Bā furlong lieth nexte to the sawe, & conteyneth. xxiii. lādes, & one hadlād at the ouer endes, & they lye East & west, & but vpō Dale furlōge, at the nether endes, & on the southside next the ꝑsons crofte. The ꝑson hath. iii. landes, the priour. i. land, J.C. ii. lādes, the lorde iiii. landes, J.B. ii. landes, T.S. ii. landes, H.L. one lande, G.H. one lande, F.G. oone land, R.X. thre lādes, the priour two landes,

P.Q.

P.Q. one land, the lord hath the hadlandes.
¶ whetehyll furlonge lyeth next to the same hadlandes, and it conteyneth. xxxvi. landes, and thre gores fother or pyke, and they be all one thynge, and be called so, bycause they be brode in the one ende, and a sharp pyke in the other ende, and they be alway shorter thā the other lande, & they butte vpon the sayd had lande of the lande at the west end, & vpō the syche at the Easte ende, and to begyn at the north west syde of the said flatte H.L. ii. landes, T.H. ii. landes, G.H. i. lande, the lord six landes, J.C. ii. lādes, the person thre landes, w.C. ii. landes & one pyke, the priour. ii. lādes & i. pike, F.G. ii. landes & i. pike, the lord. iiii. lādes, R.E. iii. lādes, T.H. ii. lādes, G.H. ii. lādes, & the lord. iii. lādes next to the southest side
¶ Than tourne ageyne to Rye hylle, that conteyneth. xxxvi. landes & two pikes, & butte vpō Dale furlong on the south endes, & vpon long medow vpō the north west endes. Than on the south East syde next to the way, that leadeth to A. the priour hath two lādes, G.H. i. lāde, the pson. ii. lādes, J.B. ii. lādes, F.G. ii. landes, the lord. iii. lādes, & ii. pikes, w.C. ii. lādes, R.E. iii. lādes, T.H. ii. landes, P.Q. ii. lādes, H.L. ii. lādes, the lorde. iii. landes next to the balke, that the wyndmyl standeth vpō.
¶ P.Q. the whiche holdeth a cotage of the lorde, holdeth also the said windmyne, wher vnto all the lordes tenauntes are bounde to grynde all theyr corne and maulte, that they occupye of theyr owne, at the sayd myne, as well

well fre tenantes as other, and the lord shall fynde all maner of tymber and yron worke, bourd and nayles, & bring them to the myne, & the myner shal nayle vp the bourdes, make his shafte and the sayle yardes, vpholde and repareil the spindell and the rynde, the myne pykes and the saule clothes cogge and ronge, at his owne proper cost and charge, and shal pay by the yere. xx. s. at the termes there vsuall, and to grynde the lordes corne & malt toll free, and to grynde it fyrste nexte to the corne that is in the hopper, if any be. &c.

¶ On the other syde of the wynde myne balke lyeth a flatte callyd Peyse hylle, and it conteyneth. iiii. landes, and foure pykes, and one hadlande, of the whiche landes there be syxe of them, that breke or cut in the myddes of the lādes, as shal appere by the bounding. And the sayde flatte lyeth betwene the cōmen pasture, callyd the balke on the south East, & the forsayde medowe, callyd the longe medowe vpon the northe weste, and nexte vnto the forsayd balke, I. C. hath thre landes, the lord syxe landes and a pyke, the person foure landes and a pyke, I. B. foure landes, F. G. two landes and a pyke, W. L. three landes, R. E. two landes, at the vpper ende next to the hadlande, P. Q. the neyther endes of the landes next to the longe medowe, T. H. foure landes, H. L. thre landes at the heed, and I. C. the nether endes of the same, the priour. v. landes, the lorde eyghte landes, I. B. thre landes, G. H, two landes and a pyke.

F. G.

F. G. one land at the heed, H. L. two landes, buttynge vpon the same one lande, and vpon the medowe, the persone thre landes nexte to the northe East syde, and the priour hath the hadlande at the heade. And this me seemeth shulde be sufficient instruction for buttynge and boundynge of all the feldes one after an nother. &c.

¶ Howe a man shulde butte and bounde the medowes. Cap. xxii.

¶ The longe medowe belongyng to the townesshyppe of Dale.

¶ The longe medowe lyeth vpon the north syde of the northfelde, betwene the said felde and the broke, that departeth the townesshyp of Dale, and the townesshyppe of Dale, and the weste endes butteth vppon the way that leadeth to A. and the Easte ende of the same medowe vpon a close of the sayd lordes, called the parke close, and conteyneth. L. xxii. acres, this medowe lyeth in dyuers shotes of length, somtime in two shotes of length, somtyme in one, and sometyme in thre. Than to begyn at the west syde nexte to the way that gothe to A. on the ouershotte, the lorde hath foure acres, J. L. two acres and a halfe, the persone thre acres, J. B. two acres ½ a halfe. F. G. thre acres, the prypour foure acres, the lorde. viii. acres. And on the nether shot next vnto the broke nexte vnto the sayde hye way. F, G, two acres, the priour four acres. G. H.

halfe an acre, w.L. two acres and a halfe, R. F. sixe acres, the lord. vii. acres. Than to the longe doles that butte fro the said north felde to the said broke, T.H. foure acres, the person thre acres, J.L. an acre and a halfe, J. B. an acre and a halfe, the lord syx acres, P.Q. thre acres, H. L. three acres. And at the nether ende of the said thre acres, J. K. lord of Hale hath attached his weire of his milne of Hale for the which attachement the sayd J.K payeth to the lorde of Dale, & to his heires euery yere. ii. s. at the feast of saynt Mychell tharcangell for all maner of seruice. &c. Than to the ouer shot next the said feld, G. H. an acre and a rodde, w.L. thre roddes, R.F. an halfe acre, the lorde two acres, the person halfe an acre, P.Q. halfe an acre, the priour. ii. acres and a halfe, J.L. two acres, the lorde foure acres, T.H two acres next to the park close. Than to the myddell shotte next to the longe doles, F.G. an acre, the person thre acres, J. B. two acres, the lorde foure acres, H.L. two acres, the priour foure acres next to the sayd parke close. Than to the nethermoste shotte nexte the broke on the syde nexte to the longe doles, the person two acres, R.F. thre acres, the lorde foure acres and a halfe, G.H. demi acre, the priour two acres, w.L. two acres & a demi, J.L. demi acre, T.H. two acres, J. B. two acres in the corner nexte to the sayde parke close, and butteth vpon the said broke. And if there be any mo medwes, than butte and bounde theym in lyke maner, for the mo

medowes

medowes there be, and the fewer shottes, the better may they be bounded. for medowes go wooll commonlye by acres, halfe acres, and roddes, and they ought to be well staked betwene euery mannes doole, and specially well stoned with great stones betwene, and set on a great height, that they synke not farre into the erthe, for the propertie of a stone is to discende downeward, and the propertie of erth to ascende vpwarde. Therfore they wold be taken hede vnto betyme, and amended whan nede is. And this me semeth sufficient. &c.

¶ Howe a man shulde butte and bound his pastures. Cap. xxiii.

¶ The pastures belongynge to the same towne.

THe lorde hath a close called park close, and it conteyneth. xxx. acres, and it lyeth betwene the sayde medowe, callyd longe medowe, on the weste part, and a close of the personnes callid Orheye on the Easte parte, and the sayde brooke on the Northe parte, and a fielde called Easte felde on the Southe parte, and it is worthe by the yere, twenty shillynges. &c.

¶ The person hath a close nexte to the same callyd Orhey, and it conteyneth. x. acres, and lyeth bytwene the parke cloose on the weste parte, and a close of J. B. on the East syde, and the sayd broke on the northest part, and

a felde callyd Eastfelde on the west parte. I do not value it, bycause it is nat the lordes, the quantitie of the acres therein is sufficyent.et ceter

¶ The sayd I. B. holdeth a lytel crofte freely, belongynge to the tenement, callyd rye crofte, and conteyneth two acres, and lieth betwene the sayde persons close on the west syde, and the lane that gothe towarde M. on the south Est syde, and butteth vpon the hy way that cometh from S. to the sayde towne of Sale on the northe East syde, and the sayd Est feld on the west part, I set it at no value, bycause he is a freholder, & runneth in the cheke rentes of his howse, but and it be gyuen to the freeholder by an nother dede, thanne muste the surueyour expresse the chieke rent thereof by it selfe. And it is the mooste specyall poynte of a surueyour, fyxste to a viewe, butte, and bounde, both the towne and the hole lordship or euer he desyre to se or loke vppon any euydence of any freholders. For this first done, the Surueyour maye than perfytely knowe, whether the freholder shewe his euidence for al his land or nat, and let the surueyour haue good remembrance, what parcels of landes be conteyned in the sayd euydence. And than may he welle perceyue, whether he shewe for all or nat. And yf the dedes be shewed first, the tenaunte maye saye there is for all his lande, and the Surueyour can nat controlle hym, nor say nay. &c.

¶ F. G. holdeth a crofte of the lorde, lyenge

next on the other syde of the sayd lane callyd Gose crofte, and conteyneth two acres and a halfe, and butteth vpon the sayd hye way on the north Eest syde, and the sayde Eest felde on the west part ꝛc. And thus ye may pervse, butte, and bounde all the croftes, closes, and pastures about the towne ꝛ within the lordeshyppe, whose so euer they be. And to expresse euery hye waye, or crosse, commen, balke, or marle pyt, where they lye, the which shalbe a great redynesse many yeres hereafter. And if there be any cōmen pastures, where heardemen kepe theyr cattell, or any commen woddes, mores, heythes, or suche other, they may nat be forgotten to be butted and bounded, as they lye. ꝛc.

¶ Howe a man shulde amende errable lande. Cap. xxiiii.

¶ It is conuenient, that a husbande keepe his errable lande, lyeng round, that it be nat to hygh in the rygge, nor to lowe in the myddes of the sides, nor to hy a lytel fro the rain, for than wyll the water stande in the sydes of the landes and drowne the corne, and though there be no corne, yet it weareth the grounde and maketh it leane: For standynge water dystroyeth grasse, and therfore it must nedes distroy corne, the whiche is moche more tendrer than the grasse. And if it so be, than take thy ploughe, and begyn to plowe a forowe in the myddes of the syde of the land, and cast it

downe

downe, as yf thou shulde falowe it, and soo perwse both sydes tyl the rygge be cast down, and than take thy plough agayn, and begyn to plowe, where thou dyddest plowe fyrste, and rygge all the remeynant vpwarde, and so shalt thou bothe cast thy landes, and rigge them, and all at one plowyng. And this wyl make the lande to lye rounde, the whyche is good bothe for corne and grasse.&c.

¶ An other maner of mendynge of errable land, is to mucke it, marle it, lyme it, or donge it, with the carte or wayne, and as I sayd in the boke of Husbandrye, to sette thy donge vpon the firste sturrynge, whan it is rigged, for that is best for many causes, and if thou lay it vpon the falowyng, than set thy mucke heape in the rayn of the lande, and thā sprede it, and all that falleth in the rygge cast it out agayne, for els it dothe but lyttell good, for it wylle be couered with erthe, and seldome sene agayne.&c.

¶ An nother maner of mendynge of errable lande, is to sette thy shepefolde vpon it, and to flytte it euery daye, and it is better vppon the sturrynge than vpon the falowe, and the shepe folde is better vpon the rye ground thā vpon the whete grounde.&c.

¶ An other maner, whan a husbande hathe moche errable lande, and hath no donge nor shepe to compost nor donge his lande withal, Than let the husbande take his plough, and caste al such landes thre or foure tymes togi-der, & make the rigge there as the rayne was

before.

before. And yf the landes be to brode, whan it is soo caste downe, than rygge eyther syde by it selfe, and soo make two landes of one lande, or three landes of two landes. And so shall he fynd new moulde, that was nat sene in an hundred yeres before, the whiche muste nedes gyue more corne than the other dydde before, &c.

Howe a man shulde amende his medowes. Cap. xv.

¶ See that there be no mouldye warpes casting in the medowes, & if there be, in Aprill let them be spread and beaten small. And this is the beste way to spredde them & make them smalle. To take a great bough of a tree, and to plasshe the bowes abrode, and laye theym lowe, and if they lye not brode ynough, than take other small bowes, and bynde them fast to the same, & to ley a tree or two ouerwharte the bowes, to holde them downe flatte to the erthe, & to bynde the trees to the bowes that it fall not of. And than to boore an hole with an nauger in the great boughes ende, or els to eye a rope faste to al the boughes endes together, and to faste the teme to the same, & with oxen or horses, to drawe the sayde boughes, bothe vp and down and ouerthwart the said mouldy warpe hylles, the whiche shall spreade them better than any mannes handes can do, and that shall refresshe the grasse, and make the medowes moche better.

¶ An other maner of mendyng of medwes is, yf there be any rynnynge water or lande flud, that may be set or brought to rũne ouer the medwes, from the tyme that they be mowen vnto the beginnyng of May, & they wyl be moche the better, and it shal kyll, drowne, and dryue away the mouldy warpes, and fyll vp the low places with sandes, and make the grounde euyn and good to mowe. All maner of waters be good, so that they stand nat styl vpon the grounde. But specially that water that cometh out of a town from euery mans myddyng or donghyll is best, and wyll make the medowes most rankest. And fro the begin nyng of May tyll the medowes be mowen & the hay gotten in the waters wolde be set by and rounne an other waye for dyuers consyderations. &c.

¶ To amende and make better, dyuers maners of pastures.

¶ It is vndouted, that there be dyuers maners of pastures, as low groũd lyke medwe ground, ley ground, the which hath ben erra ble grounde of late, bushy ground, the which sometyme hath ben errable grounde, bushy gronnd, the which was neuer errable groũd, gorsty grounde, the whiche hath ben errrable grounde, gorsty grounde, the which was ne uer errable. Brome grounde, heyth grounde, marrys grounnd, chalk ground, flynty groũd, chylturne grounde, and lymestone grounde.

To

¶ To amende lowe grounde lyke medowe grounde.

¶ Ye shall do by it, as I haue shewed you in the nexte chapiter before of your medowes, & if any water stande styl and wyll nat voyde, make a dyche. ii. or thre, as nede shall require, and open the sides of the diche that the water may come into it. Conuey the water awaye, and with a plough make diuers forowes frō the sayd dyche vp into the pasture, where the water standeth, and with a carte, a wayne, or a sleide, cary away therthe that the plough tourneth vp, oryels it wyll stoppe the water on the one syde, and if the plough forowe be to lyttell, than make dyuers small dychesse and open them on bothe sydes, so that thou leaue no water standyng in the pasture no tyme of the yere. And melche kye, draught oxen, laborynge horses and mares be most conuenient, to go togyther in suche pastures.

¶ Howe to amende ley grounde, the whiche hathe ben errable lande of late. Capitulo. xxvii.

¶ Ye must take hede howe the leyse lye, and specially that they lye nat to hyghe, for and they do, it is more profyte to the husband to cast it downe agayne, and sowe it with otes one yere, two, or thre, and to laye it lower, and rounde in good temper, and see that noo water stande at the landes endes, buttynge

on the heed landes, and if it so doo, thanne with a ploughe caste a forowe towarde the heed landes, and than the water wyll folow that forowe, and make the landes dryye. But that forowe wyll nat serue paste one or two yeres, but it must be renewed. And yf it wax mossye in wynter, than wolde it be plowed agayne and sowen with dyuers cornes, as the grounde requyreth. And at the fyrst plowynge it wolde be plowed a square forowe, as deepe as it is brode, and layde flatte, and sowen with otes, that the mosse maye roote, and than to lye falowe one yere, and than to be sowen with wheate, rye, or barley, as the husbande thynketh moste conuenyent. And if it shuld lye falowe the fyrst yere, the mosse wyll not rotte, and at wynter it wyl be wete, and drowne all the wheate and rye, that is towcheth. And if a man haue plentie of such pasture, that wyll be mossye euery third yere, let hym breake vp a newe piece of grounde, and plowe it and sowe it (as I haue sayde before) and he shal haue plenty of corne with lyttell dongyng, and sow it no lengar than it wyll beare plentie of corne, without donge, and it wyl beare moche better grasse. x. or xii. yere after. And if the leyse be to brode, than make two landes of one lande (as I haue sayde before) And shepe ar the most conuenient cattell that may go on suche pasture, and best they wyll amende the grasse, and to take good hede that ye suffer nouther bryers, nor blacke thornes, nor none other maner of bu-

shes

thes to growe in your pastures, and specially by the hedges.&c.

¶ Howe to amend bushy ground and mossy, that hath ben errable lande of olde tyme. Capitulo.xxvii.

¶ Where is none other remedy, but to stocke and get vp the bussches by the rotes, and the lande plowed and sowen (as I haue sayd before) the reyst ground if it be dry, wyl bringe moche corne, for the mosse wyll rotte, and the moll hyllockes wyll amende the ground wel. And if there be any marle pyttes, that haue be made of olde tyme within the same close, than whan the landes begyn to weare, if he haue not sufficient of suche bushy and mossy grounde to breake vp and sowe, than there wolde be newe marle pyttes made, and the landes new marled, the which is moch better than outher donge, muck, or lyme, for it wyll laste twenty yeres togyther, yf it be welle done, and shall be the better whyle it is land. And I meruayle greatly, that in the commen fieldes, where of olde tyme hath ben made many great marlepittes, the which hath done moche good to the landes, that nowe a dayes no mã doth occupy them, ne make none other and they nede not to doute, but there is marle nowe as well as was than, but as me semeth there be two causes why, one is, the tenantes be so doutefull of their lande lordes, that yf they shulde marle and make theyr holdynges

moche

moche better, they feare leest they shuld be put out, or make a great fine, or els to paye more rent. And if a lorde so do, me semeth he is vnreasonable, seynge that it was done all at the costes of his tenaunt, and nat at his. The seconde cause is, that men be disposed to ydelnesse, and wyl nat labour, as they haue done in tymes past, but passe forthe the tyme as his father dyd before him, but yet me semeth a freholder shulde nat be of that condicion, for he is in a suretie, his cheke lorde can nat put hym out doynge his duetie. And he knoweth well, he shall take the profite whyle he liueth, and his heires after him, a corage to improw his owne, the whiche is as good as yf he had purchased as moche as the improwment cometh to. And one man this wyng, would gyue other men a corage and a good example to folowe the same. And all other countreis may take ensample at Chestershire & Lācastershire, for many of them that haue so doone, haue made the improwment as good as the lande was before. &c.

How a man shuld amende bushy grounde, that was neuer errable lande. Cap. xxix.

Ye must consyder what the grounde is disposed vnto, and whether it be dryo or wete, or be disposed to beare woode, grasse, or corne. If it be dry and full of grauell, it is better to beare woode, than outher corn or grasse. If it be weate grounde, it is nat good for corne: but

but it will beare bothe woode and grasse. But and it be a blacke erthe and dry, it is good for corne, and it wyl quyte the cost to stocke it vp by the rotes, and to sowe it with corne. And if it be white cley, it is most cõmenly a weate grounde, and than it is nat good for corne, but it wyll beare bothe wode and grasse: and an acre of wod is as good as an acre of corne groũde, or of grasse, & in some place moch better. And if ye wil ẽcrease the said bushy groũd and to make more woode: than bitwens Mygheimas & Martilmas, ye must gather many akehornes, & put thẽ in erthẽ pottes, for those wil kepe thẽ moist, & in Febzuary & March set the said akornes in the said bushes, as thicke as ye wyll, & vndouted they wyll growe. And also ye may gette the keys of asshes, nuttes, and suche other, and set them in lyke maner, & to kepe all maner of catell that wyll eate any woode out of the same grounde tyll it be past daunger of catell. &c.

How to amende woode grounde that lyeth in seuerall pasture.
Cap. xxx.

If they be great olde trees, if ye selle them by the erthe, there wyl neuer come any spring of them vp agayne, except they haue many small pumples and springes about the rotes. And therfore suche olde trees wolde be but lopped and cropped, to beare more wood stil. and if it be a good grounde to beare corne, & be but

be but a fewe trees, than it were best to stocke them vp by the rotes, and to plowe it and sowe it. And if it be but ponge woode, ye may chose whether ye wyll shrede it, loppe it, or croppe it, or fell it by the erthe. And if ye felle it by the erthe, and kepe the sprynge well, ye shall haue for euery tree two or thre trees, so that it be felde at a dewe season of the yere, that is betwene Candelmas and May, wher of I haue spoken sufficiently ynoughe in the boke of husbandrye.

How to amende gorsty grounde that hath ben errable lande. Cap. xxxi.

Ye shall vnderstande that there be two maner of gorse, and some men calle them fyrse. One maner wyl growe on drie grounde, and that maner wyll growe as hyghe as a man, and haue a great stalk as moch as a walking staffe, and if ye wyl suffre them to growe and fell them nat, by processe of tyme whā beestes go among them, and specially in wynter time for colde, & in somer for shade, that wyll cause them to dey. And many tymes and longe continuall frost in wynter wyll kyll these maner of gorse: and whan they be deed, if ye plowe the lande agayne and sowe it with corne, whā it lyeth ley agayne, the gorse wyll growe again. And the best remedy for growing again, is to put vpon suche maner of pasture many shepe to eate it bare, but in many places they set great store by those maner of gorse, and

specially

specially for theyr fewel: and wolde nat gyue an acre of gorsty lande for two acres of errable lande. And on that maner of gorsty lande wolde growe good corne with lytell donge, & it is more profyte to plowe it and sowe it than to lye ley, except he kepe it for his fewell, and they growe most cõmenly vpon drie grounde, somwhat sandy or grauelly, and shepe is the most conuenient cattell that maye go vppon suche pasture.

¶ Howe to amende gorstye lande, that was neuer errable lande. Cap. xxxii.

¶ If the grounde be drie and growe full of such maner of gorse with the great stalkes, ye be at your lybertie to do as I haue saide, and yf it be of the other maner of gorse or fyrse, the wiche growe lowe by the erthe, and haue but litell small stalkes, that maner of gorse groweth alway on wel spryng grounde, somwhat moyste and weate, and it wyll neuer beare good corne, but hewe it vp to bake and brewe withall, for it wyll nat lightly be distroyed, for yf it be brende, it wyll growe agayne. But and there be marle vnderneth in the grounde within the same close, yf ye make coste, than bren the gorse at Marche, & with a bygge and many oxen, plowe it and make small landes, and than marle them and sowe them with oates, for that corne wyll growe best on suche groũde. And if this wil nat serue it is

it is passe remedy, for marle mendeth all maner of grounde but it is costely.&c.

¶ Howe to amende bryome grounde. Cap xxxiii.

¶ Bryome groweth alwaye vpon drie and sandy grounde, and it wil beare good rye and otes, but it wylle not endure to beare corne long, without it be donged with the carte or with the shepe fold, or both. And if ye let it lye & plow it nat, the bryome wil come again, & shepe is the best catel to holde it vnder, but neuertheles it wil grow. whā it is growē of a yarde of heyght or more, than it is good to bake & brewe with, & specially whā a house is thacked to take the bryome & make it in ẽteres of a yarde longe or there about, & pricke them in to the thacke by and by, & couer the thacke clene ouer, and it shall bothe kepe out weate, and also saue it from pullynge downe with crowes pyes dawes or chowghes. And if ye wolde distroy it whan it is growen thre or foure fote of height, than about saint James day fell it a fote aboue therthe or more, and than the stalke wyll dye for a good season, but yf it be plowed agayne, it wyll growe as fast as euer it dyd, whā ye leaue plowyng.

¶ Howe to amende heythy grounde. Cap. xxxiiii.

¶ Ye shal vnderstand that there be four maneres

ners of heith ground.s. heith growing vpon grauel, and heith growing vpon sande, these two maner of heith groundes wyll beare no corne without moche donge or mucke, for seldome is there any marle vnder that maner of heyth. And in many countreys where plenty of lyme stone is, the husbandes doo burn the lyme stone is with wodde and seecole, & make lyme therof, and do set it vpon their landes as they do theyr dong, and do spredde it in lyke maner, the whiche they call moch better than donge, for lyme is hote of him self. The other two maners of heith is, heith growing vpon white cley grounde, and heith growing vpon blacke erthe, that lyeth lowe lyke marreys grounde, and vnderneth these two maner of heyth groundes, there lyeth most commonly marle. Than brenne the heyth & serche for the marle, and dygge it vp and lay it thick vpon the ground, and spredde it, and thā plow it and sowe it, and it is moche better than outher lyme, mucke, or any maner of dong, & lengar it wyl last, and se that there be no water standynge vpon the sayd grounde. &c.

Howe to amende marrys grounde. Capitulo. xxxv.

Where is none other remedy, but fyrst to dreyne the water cleane away. And this is a good meane to dreyn the water cleane away. Fyrste in the lowest close, where the water may be best auoyded, make a great dyche and

a depe that the water may auoyde. And yf al the water wyll not come to that great dyche but stande styll in dyuers places, than make many small dyches one into an nother, frome the sayde standynge waters, so that all these standynge waters may come into the greate dyche, and that by reason shoulde dreyne the water clene. And in a dry somer ye may make many brode and depe dyches, and seuer the marris in diuers pastures, and make bridges ouer the diches into euery close, and dyuers lanes made lyke a cauley to conuey the cattel into the pastures, soo that one cauley or lane, may serue the closes or pastures on bothe sydes. And in the lowest place of euery close or pasture, make a trenche or a lytell dyche into the great dyche that gothe aboute. And this shall ye make by processe good pastures of marreys grounde, and euer the longer, the better pastures: and specially, yf ye putte in so moche catell, it shall make the better grasse and the fyner. And melche kye, draughte oxen, and labourynge horses is the beste catell to make good pasture on marreys grounde, and sheepe on drye grounde, for they wylle eate the grounde moste bareſt, and that causeth the grasse to be good and fyne. And yf this maner of dychynge wylle nat make the marres grounde drie, than must you make a sough vndernethe the erthe, as men doo to gette cole, yron, stone, leade, or tynne. And if that wyll nat serue, than kepe out your cattell for feare of drownynge, &c.

Howe

Howe to amende bromy grounde and fernye grounde. Cap. xxxvi.

Bromye grounde, and ferny grounde, be moche of one nature, for they growe on sandye and drye grounde: And they wyll beare good rye, barley, bygge, or beyze, and ootes if they be donged with shepe, carte, or wayn. For suche lyght grounde wyll soone weare & washe with water, if it be nat donged. And yf they lye vnplowed they wyl growe full of brome and ferne, and if ye wyll distroye the brome whan it is growen thze or foure foote hye. In Mydsommer mone, or soone after, whan it is full blomed, with a hedging bylle cut the stalkes halfe a yard about the erth, so that ye leaue no grene stalke growyng vpon the rote, and that wyll cause it to dye. But if ye plowe it ageyne, and after let it lye, it wyl growe ageyne, and yf ye mowe ferne whan it is yong, so that it be mowen before Mydsommer, by vse of suche mowynge, it wyll weare away.

Of chylturne ground flyntie ground and chalke grounde. Cap. xxxvii.

Chylturne grounde and flyntye grounde be light grounde and drye, and full of small stones, and chalke grounde is moche of the same nature, and they wyll weare and washe awaye with water. And therfore they wolde

be donged, as the bromy and ferny grounde be, for marle is seldome found in these maner of groundes. And therfore if ye want shepe and donge, they wolde lye ley and rest theym that they may may mende with lyenge.

Of lyme stone grounde. Ca. xxxviii.

Lyme stone grounde is very good, both for corne and grasse, and yet in some places there wil moch heith growe vpon lyme stone grounde, and that is longe of yll husbandry. For and that heyth were brenned, plowed, & sowed the firste yere with otes, and than fallowed and sowed with wheat, ry, and barley and after with beanes or peas, it wyll beare moche corne with lyttell dounge, and shall bear alway after, the better grasse. And shepe is the beste cattell that can go vppon any of these syx maner of groundes, and beste they wyll amende the grasse, and kepe them selfe from rottynge. And he that hath lymestone, may brenne it with cole and wodde and make lyme, wherwith he may lyme his groũd, and that wyll bring good corne, or he may sell his lyme at his pleasure.

What profytes may come or growe to the lorde by reason of his waters. Cap. xxxix.

First ye shall vnderstande, that there be dyuers maners of waters: that is to say, stã-

dyng

ding waters, as pooles, meyres, moores, and stewes. And also runnynge waters, as great ryuers, smalle ryuers, brokes, suches, wells springes, and pyttes: than what profit may come to the lorde of them. The lorde may set the fyschynges of all these sayd waters to his tenantes for certayn rent, & he may reserue to hym selfe certayne fyshe, or to fyshe certayne tymes, or at any tyme at his pleasure.

¶ The maner to make dyuers maners of mylnes. Capitulo. xl.

¶ Also vpon these waters, the lorde maye set dyuers maner of mylnes, the whiche may be to the lordes great ease & profite. As vpon the great ryuers, corne mylnes that be called grounde mylnes, and they be called grounde mylnes, bycause the ouerside of the heed syll lyeth euē leuel with the ouerside of the grounde in the bottom of the water. And also fullyng mylnes, otherwyse called walkmylnes, may be made in lyke maner, and stande also vpon the great ryuers. And than one whele is able to dryue. ii. stockes, that is to say, both a potyere & a faller, the faller both to scoure & herle it, and the potiere to thicke the clothe. And cōmonly these mylnes be not set vpon the great stremes of the great ryuers, but a great part of water is conueyed out of the great streme by a mylne sleme made with mans hande to a certayne place, where wysemen thynke the mylne most conuenient to be set, and the sayd

 water

water to be holdē vp and brought to the said mylne, by reason and setting of a weyre ouer thwart the said streme, made of trouse, tymber, or stone, or of bothe. And whan it is past the mylne with a sufficient fall of the water, that the mylne stand nat in back water, to returne into the riuer ageyn. And in many places the said milns be set on the one side of the great ryuer, and a weyre made of tymber and stone to holde vp the water to the mylne, the which is a great cost, and many tymes it wyl stande in lacke of water that it may not well go at a great flode, except the groūd wark be made very hie. But they be profitable both in grindyng of corne and fullyng of cloth, and in takyng of moche fyshe. And in lyke maner these sayd two maner of mylnes may be sette vpon smalle ryuers, without any fleme castynge, but all only his weyre, to holde vp the water, and his fludde gates, to let it go at a flode, whan nede shall require. Also there be two maner of corne mylnes, that is to say, a breste mylne, & an ouershot mylne, and those two maner of mylnes be set and go most cōmonly vpon smalle brokes and vpon greatte pooles and meyres. And they haue alway abrode bowe a fote brode & more, & the ladels be alway shrouded with cōpast bordes on both sydes to holde in the water, and than they be callyd buckettes. And they must be set moche nerer togyder than the ladels be, and moche more a sloope downewarde, to holde moche water that it fall nat oute, for it drineth the

whele

whele as well with the weight of the water as with the strengthe. And the mylner must drawe his water accordyng to his buckettes, that they may be alway full and no more, for the longer that they holde the water the better they be. Also an other maner of fullynge mylnes, may be set & go vpon the sayd smalle brookes, poles, or meyres, and those be called fallers, for a faller by hym self requyreth nat so gret strength of water as the potyer doth, bicause the water cometh most cõmonly ouer the whele, and the braces do but heue vp the two fete, that fall into the stocke vppon the clothe, the whiche causeth the cloth to thicke and tourne. Also these mylnes that be set and go on small waters, may go and ronne with a gogyn of yron vpon bulder stones or vpon brasse as a bell doth, for that wyll go mooste lightest. But these milnes that go vpon these great riuers, that be brode, heuy, & weightye muste nedes haue two great thycke hopes of yron foure inches brode, and an inche thicke: and eyght or nyne inches betwene the sydes, set on both endes of the shafte, for the gogyn of yron wyl not beare them, and specially the fullynge mylne. And that mylne that gothe with a gogyn, yet must it haue on eyther end of the shafte a hope of yron and bulders vnder, and if the gogyn fayle or waxe lose, but it shall nat touche them bothe at ones. And let the mylner take good hede both to the gogins and hopes that they be not lose, for than wyl the shafte endes brenne of. For than he hur-

teth his lorde, his mayster, or hym selfe, for myne shaftes be costely. But in so moche as there is great profite to the lordes in makyng of these mylnes, and the more rent is rayled vpon so lyttell grounde, and ofte tymes for want of the sede of discretion and experience of good makig, there be many defautes made in them, and specially in makyng of the milne trough, where the myne whele goth, for ofte tymes they make it to holow and depe vnder the whele, that the water stādeth therin, whā the mylne goth not, for the tayle syll wold lye bare and drye, whan the mylne goth not. And the tayll sylle wold lye. xx. inches or. xxiiii. vnder the heed sylle, and the troughe wolde not passe. iii. ynches holowe at the most, as long as it may receyue thre ladels, the fourthe ladell entrynge the water, and the fyfte ladelle leauyng the water. And the strake sylles both aboue and vnder wolde be of a good length, soo that the whele come not nyghe vnto the draught gate by two fote or more, for the further fro the gate, the bygger and the swyfter is the streme. And the lengar that the ladell is the better it is, so that it haue sufficiēt water. And than the mylner nedeth not to drawe vp his gate soo hyghe, as if the ladell be shorte, for the ebber the water is, the swyfter it is. And a double bowed wheele is moche better than a syngle bowed whele for many causes, if there be sufficient water, and better it wyll kepe the ladels from losynge. The ladell most cōmonly of a double bowed whele, wolde be

thre

thre fote longe and a fote brode, and to drawe vp his draught gate nyne or tenne inches is sufficient. And than shall nat the bowe of the whele be hydde nor couered in the water, and than hit gothe swyftely. And vpon the great ryuers the ladels may be an elne longe, but for the weyght & drawyng vp of the draught gate, &c. The greatter compasse the whele is, the lasse water wil dryue it, but it wyll nat go so ofte about as a lytell whele wyll do. But the cogge whele in a corne myne, is a great helper, if it be well pyched, well cogged, and well ronged, sixe ronges and. xlviii. cogges, are best for a great ryuer. For than the myne stone goth eyght times about, and the water whele but onse, and euery ronge kepeth his owne cogge, et econtra: and changeth nat on any syde. And for a meane water sixe ronges and. xlii. cogges is best. And for the ouershot myne syxe ronges and. xxxvi. cogges is best. For the cogge whele may nat be of so great a compasse as the other cogge wheles be. And in all these pyches, euerye cogge kepeth his owne ronge. And if ye putte in any whele a cogge or two cogges, mo or lasse: than as I haue sayde, shall euery cogge chaunge his ronge at all tymes, so that it be nat very truly pyched it wyll nat go wel, and if it fortune to breke a cogge, as it is lyke to do, hit wyll thanne breake many of them, except he shote downe his draught gate shortly, and likewise a wyndmyne. Howe be it a wyndmyne hath neuer vnder. xlviii. cogges or. liiii. &c. but they

muſt be ſo pyched, that euery cogge kepe his owne ronge, and ſeuyn ronges are nat profitable for they go lately. Of horſe mylnes I do nat ſpeake of the makynge, for I haue nat therperience of them, as I haue of water mylnes.

¶ Alſo the lordes and their tenantes haue an other maner of profyt by reaſon of theſe waters, ouer and beſyde theſe maner of mylnes or fyſchynges, and that is by reaſon of the watrynge of theyr catayll and beaſtes bothe winter and ſommer, and ſpecially of the rynnynge waters, as ryuers, brokes, ſucches, and welſpringes, for they done ſyldome freſe or neuer, and they wyll be colde in ſomer and warme in wynter, and if a cloſe want water it hath a great meame & is moche the worſe.

¶ Furthermore it is cõuenięt for a ſurueior that whan he hath ſurueied his lordes lãdes, and ſene what profytes and approwmentes may ryſe and be made within the ſame, that he ſhewe his lorde therof and aduyſe hym to do it, and to make the coſt. For it is vndouſted, that a man can nat make no ſurer purchaſe of any maner of lande, better tytell, nor lyghter coſte, nor more aduauntage to hym ſelfe, than to improwe, amende, & make better, his owne olde enherytance. I meane nat by the heyghtynge, or reyſing, or increaſyng of the rentes of theyr tenauntes, but al onely in mendynge & makyng better his erable lãdes, medowes, leyſe, & paſtures, & in making of water milnes, windmilnes, horſe mil

nes, fulling milnes, lith milnes, cutler milnes be it by water or draught of horses, smethy mylns, or suche other. And also of gettyng of al maner of profytes, aswell vnder the erthe as aboue (as before is remembred) in the sixte chappyter.

¶ And by the reason of these improwemētes me semeth a man might make euery townes shippe that standeth in the playne champyon countre & occupyed in tyllage halfe as good agayne in all maner of profytes to the tenātes as it was before, if the lordes therof and their tenātes can agre of the costes that shuld be made therof. And neuer a house nor cotage to be decayed nor lette downe, and to haue as moche lande in tyllage and plowinge as ther was before, and theyr corne and grasse shulde be better saued and kept from distroyenge.

¶ Howe to make a township that is worthe .xx. marke a yere worth xx. li. a yere. Cap. xli.

¶ It is vndouted that to euery townshypp that standeth in tyllage in the playne countrey, there be errable landes to plowe and sowe, and leyse to tye or tedder theyr horses and mares vpon, and commen pasture to kepe and pasture theyr catell, kestes, & shepe vpon. And also they haue medowe grounde to get their hey vpon. Than to let it be knowē how many acres of errable lande euery man hath in tyllage, & of the same acres in euery felde

to chaunge with his neyghbours, and to leye them togupther, and to make hym one seuerall close in euery felde, for his errable landes and his leyse in euery felde, to leye them togpther in one felde, & to make one seuerall close for them all. And also another seuerall close for his porcion of his commen pasture, and also his porcion of his medowe in a seuerall close by it selfe, and al kept in seuerall both in wynter and somer, & euery cotage shall haue his porcion assigned hym accordynge to his rent, and than shall nat the ryche man ouerpresse the poore man with his catell, & euery man may eate his owne close at his pleasure. And vndouted, that hay and strawe that will fynde one beest in the house wyll fynde two beestes in the close, and better they shal lyke. For those beastis in the house haue short heer and thynne, and towarde Marche they wyll pylle and be bare. And therfore they may nat abyde in the felde byfore the heerdmen in winter tyme for colde. And those that lie in a close vnder a hedge haue longe heare and thycke, and they wyll neuer pylle nor be bare, and by this reason the husbande maye kepe twyse so many catell as he dyd before.

¶ This is the cause of this approwement. Nowe euery husbande hath fyue seuerall closes, wherof. iii. be for corne, the fourthe for his leyse, the fyfte for his commen pastures, and the sixte for his haye. and in wynter time there is but one occupied with corne, and thā hath the husbande other fyue, to occupy tylle

lent come, and than he hath his falowe felde, his ley felde, and his pasture felde al sommer. And whan he hath mowen his medowe, than he hath his medowe grounde, soo that if he haue any weyke catel that wold be amended, or dyuers maner of catell, he may put them in any close he wyll, the whiche is a great aduãtage, and if all shulde lye cõmen, than wolde the edysshe of the corne feldes and the aftermath of all the medowes be eaten in .x. or .xii. dayes. And the eyche men that hath moche catell, wolde haue the aduantage, and the poore man can haue no helpe nor releke in wynter, whan he hath moste nede. And if an acre of lande be worthe sixe pens or it be enclosed, it wyll be worth .viii. pens, whan it is enclosed, by reason of the compostyng and dongyng of the catell, that shal go & lye vpon it both day & nighte. And if any of his thre closes that he hath for his corne be worne or waxe bare, thã he may breke and plowe vp his close that he hadde for his leyse, or the close that he hadde for his commen pasture, or bothe, and sowe them with corne, & let the other lye for a time, and so shall he haue alway reist grounde, the which will beare moche corne with lytel dõge, and also he shal haue great profyt of the wod in the hedges whan it is growen, and nat all only these profytes & aduantages beforesaid, but he shall saue moche more than al these, for by reason of these closes, he shall saue meate, drinke, and wages of a shepeherde, the wages of the heerdman, and the wages of the swine

heerde

heerde, the whiche may fortune to be as chargeable as all his holle rent, and also his corne shall be better saued fro eatinge or distroyeng with catell. For dout ye nat, but heerdemen with their catel, shepeherdes with their shepe and tieng of horles & mares, distroyeth moch corne, the which the hedges wold saue. Parauentures some men wold say, that this shuld be against the cõmon weale, bicause the shepeherdes, heerdmen, and swyneherdes, shulde than be put out of wages. To that it may be answered, though those occupations be not vsed, there be as many newe occupatiõs that were nat vsed before. As gettyng of quycke settes, diching, hedging, & plasting, the which the same men maye vse & occuppe. Also it may fortune men wyl say, that if all shuld be enclosed, that there wold be many foule lanes, as there be in Essex: but for that there may be a prouisiõ, & that is thus. where the kinges hie way is, if it be dry grounde, stony ground, or sandy ground, in al such places, may be lanes made of a conuenient breade, for the kynges people to passe through with all maner of cariage. And where it is softe ground lyeng leuel, that the waters may nat wel passe by the dycheslle, at euery hedge that goth ouerwhart the hye way there to make a gate, & stone it or grauel it in that place. And thẽ hath euery mã the hole close to ride cary or go in, as they had before, likewise as they do at the wynd gates a this syde Chorley in Lancashire, & lykewise betwene towne & town, and as to their owne

dryfe

dzift lanes to their cioses, let them make the foz their owne ease as they wil haue them. &c.
¶ The moste indifferentest meane to make these appzowmentes, as me semeth is this.
All the lozdes of one towne, be there neuer so many, shulde be all of one assente, that theyr tenauntes shulde exchaunge their landes one with an other, & the sayd exchaunge to stande and endure foz euer, foz dout theym nat, but they knowe it best, and euery tenaunt foz his owne aduantage wyl do it indifferently, and the curate of the same parisshe foz his parte, and euery lozdes bayly to be indifferent, to se these cioses lotted & assigned to euerye mans ease, so that euery man maye haue one lyttell croft oz close next to his own house, if it may be, thoughe he haue no lande of his owne.
¶ This done, lette euery lozde by his copye of court role, oz by indenture, to make a sufficient lease to euery of their tenauntes, to haue to hym and to his wyfe and to his childern, so that it passe not thze lyues, than beinge a lyue and named, yelding and paying to their lozdes and to their heires, the old rentes and seruyces, before due and accustomed duryng those thze lyues, vpon this condicion, ¶ That they shall do oz cause to be done, duryng their lyues, sufficiently to quycke, set, diche, hedge, and plasshe, whan nede is, al the sayde closes, and soo kepe theym durynge their lyues, the whiche wyl be a great charge to the tenātes. But yet me semth they may wel do it, if they entende to thzyue, and specially do remember

the

the profittis that may come to thē afterward. There is an old sayeng. Quod leuis est labor cum lucro, that is to say, That labor is light where winnyng foloweth, and moche of this labour may be done by him selfe, and his seruantes, at a conuenient tyme, soo that he let nat his husbandry. It is moche to be done in one yere, two or thre, but and they may do it in syx or nyne yeres, as the felde go aboute, they hyre them well, for it is to costly for husbandes to hyre it to be doone. And the lordes me seineth, canne do no lesse, than to graunte them these thre lyues of the olde rent, remembryng what profyttes they may haue at the ende of their termes, they knowe not howe soone. For vndouted one sette day cometh at laste, t though the aduauntage of the lordes come nat anone, it wyll come at length. And therfore sayth the philosopher. Quod differtur, non auferrur, that thyng that is deferred is nat taken away, and in the meane time the lordes haue no maner of losse, nor yet make no costes, but at their pleasure.

FINIS.

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